



T H E
Fatal Consequences
O F
Ministerial Influence, &c.

(Price One Shilling.)



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T H E
FATAL CONSEQUENCES
O F
Ministerial Influence :
Or, the Difference between
R O Y A L P O W E R
A N D
M I N I S T E R I A L P O W E R,
Truly Stated.

A P O L I T I C A L E S S A Y,
Occasioned by
The PETITION presented last Session of Par-
liament by *Six Noble Peers of Scotland;*
A N D
Addressed to the Noble, the Ancient, and the
Rich Families of GREAT BRITAIN :
With an APPENDIX,
Containing Copies of those Accounts of ILLLEGAL PRAC-
TICES at the last Election of P----s, which some
N---le and others were ready to have given, and
are still ready to give, upon OATH, if required.

*Remember, O my Friends, the Laws, the Rights,
The generous Plan of Power, deliver'd down,
From Age to Age, by your renown'd Forefathers,
(So dearly bought, the Price of so much Blood!)
O! let it never perish in your Hands,
But piously transmit it to your Children.
Do thou, Great Liberty, inspire our Souls,
And make our Lives in thy Possession happy.
Or our Deaths glorious in thy just Defence. CATO.*

L O N D O N,
Printed for A. DODD, at the Peacock without Temple-Bar; and
Sold by the Booksellers of London and Westminster. 1736.

®

FATAL CONSEQUENCES

OF

ROYAL POWER

MINISTERIAL POWER

A POLITICAL ESSAY

THE PETITION PRESENTED TO THE HOUSE OF COMMONS

AND

THE PETITION PRESENTED TO THE HOUSE OF LORDS

IN

THE

YEAR 1832

PRINTED BY A. DODD, AT THE PRESS OF THE LONDON AND WESTMINSTER PRESS, 1832.



PREFACE.



H^O' many of my Countrymen appeared but little affected with the *PETITION* presented to the *House of Peers* last Session of Parliament, by SIX NOBLE LORDS of *Scotland*, yet, to me it gave the utmost Concern. I was, from the Beginning, highly sensible of the Danger with which our *Constitution* was threatned from that Quarter; and therefore, as a *Free-born* Subject of *Great Britain*, I found myself naturally interested in the Event of that Affair. Tho' the rejecting of the *Petition* gave me great Uneasiness, yet, while the *Session* continued, I pleased myself with the Hopes, that the Affair would be put into some other Shape, and strictly enquired into, either by that House, or the other; but the *Session* ending, without so much
as

as an Attempt made in either *House* for that Purpose, my Hopes all vanished, and they were succeeded by the most dismal Apprehensions.

In this troublesome State of Mind, it was natural to seek for Comfort in my own Imagination; and accordingly, from the little Notice that was taken of the Affair, I endeavour'd to perswade myself, that the *Noble Lords Petitioners* were certainly mistaken, and that there was not the least Ground to suspect any such *Practices*, as they had complain'd of: To confirm myself in this Opinion, I endeavour'd to get as much into the Secret of that Affair as I could; and tho' all my Endeavours signified little, yet Fortune supplied what Industry could not attain to; and, by *meer Accident*, I got Possession of a great Number of *Papers*, which, I am assur'd, were copy'd from *Originals*, and were design'd to have been made Use of by the Managers in the *House of Lords*, if their Lordships had thought fit to enter into an *Enquiry* into that Affair. But, from the Perusal of those Papers, I was soon convinced the *Noble Lords Petitioners* were far from being mistaken; for tho' but few of the *Proofs*, upon which they founded their Complaint, can be supposed to have come to my Hands, yet, from these I have, there appears to be too much Reason to suspect, that the most *Treasonable*

sonable Practices were made Use of at the last Election of Peers for Scotland.

It is not proper to publish the Names of the *Witnesses*, or of the *Persons accused*, till they come to be published in a *legal* and *constitutional* Manner. The *Practices* are what the Publick ought chiefly to regard, and they are Crimes, which, in my Opinion, strike so directly at *His Majesty's* Government, and at our *Happy Constitution*, that, after having been complained of in such a solemn Manner, I must think it impossible they should escape being enquired into by *Parliament*, unless we suppose, (which God forbid) *That the Majority of both Houses of Parliament have a greater Regard for the Persons, who may probably be accused, than they have for their King or their Country.*

I shall not take it upon me to affirm, That the Persons suspected are really guilty; on the contrary, for the Sake of them, for the Sake of my Country, I wish they may be able to justify themselves in the most ample Manner, upon a fair and impartial *Enquiry*: But if they are really guilty, our *Constitution* cannot be preserved, *his Majesty's* Government cannot remain secure, without a strict *Enquiry* and a *severe Punishment*; and if they are innocent, their Characters, as Men of Honour, and as good Subjects, cannot be vindicated without a *fair* and an *open Enquiry*:

quiry : In the first Case, every Man of Honour in the Nation ought to promote an *Enquiry* : In the last, the Gentlemen accused or suspected ought to insist upon it. And therefore, as a Friend to my Country, if they are guilty, as a Friend to them, if they are innocent, I resolved to use my best Endeavours to promote a *free and impartial Enquiry* into that Affair.

THIS Resolution gave Occasion to the following Essay, and I found it necessary to publish, by Way of Appendix, the Copies of some of those *Testimonies* or *Evidences*, which, it is supposed, some *N—le* and others could give, if required, in Relation to the *illegal Practices* made Use of at the *last Election* of the *Sixteen Peers* for *Scotland* ; for, as my Design was to shew the Necessity of *enquiring* into these *Practices*, I was obliged to give my Reasons for *suspecting* that some such *Practices* were actually made Use of ; therefore I hope the *N—le* and others, whose private *Memorandums* I have published, will excuse the Liberty I have taken.



INTRODUCTION.



THE first Principles of VIRTUE, HONOUR, or MORALITY, and the *fundamental Maxims* of Society, have been of late so much *misrepresented* by a certain Set of *Political Writers*, that it is become necessary for every Man, who writes in Defence of our *Constitution*, to begin with explaining and enforcing those Principles and Maxims, which were never controverted but for the most *wicked Purposes*, and by the most *selfish and designing Men*.

VIRTUE, HONOUR, HONESTY, are three Names given to the same Idea. A Man's Duty in this Life is meant by each, with this Difference, That when we consider a Man who performs his Duty as a *Fellow-Creature*, or *Fellow-Countryman*, we say he is a *Man of Virtue*; when we consider a Man who performs his Duty as a *Gentleman*, or a *Soldier*, (which every Gentleman is supposed to be) we say he is a *Man of Honour*; and when we consider a Man who performs his Duty as a *Neighbour* or *Dealer*, we say he is a *moral* or *honest Man*: But as no Man can perform his Duty as a *Gentleman* or *Soldier*, as no Man can perform his Duty as a *Neighbour* or *Dealer*, without performing his Duty as a *Fellow-Creature* or *Fellow-Countryman*; therefore, whoever is not a *virtuous Man*, whoever is deficient in his Duty to Mankind, or to his Country, can neither be a *Man of Honour*, nor an *Honest Man*.

VIRTUE then, in its most general Sense, consists in an exact Observance of the Laws of Nature, according to that Subordination in which they are placed by the Author of Nature; which Subordination every Man may discover, and must acknowledge.

As I am not now to compile a *Body of Morality*, therefore I shall only take Notice, That, according to this Subordination, we are in Duty bound to contribute as much as we can, 1st. To the Preservation and Happiness of Mankind in general. 2^{dly}. To the Good of the particular Society, in which we belong, so far as is consistent with the Preservation and Happiness of Mankind in general. 3^{dly}. To the Good of our Family and Friends, so far as is consistent with the Good of our Country, and the Preservation of Mankind. 4^{thly}. To the Preservation of our own Lives, and the Increase of our future Happiness, so far as is consistent with the Safety of our Family and Friends, the Good of

our Country, and the Preservation of Mankind. And, *lastly*, We are in Duty bound to avoid Pain, and pursue our present Happiness or Pleasure, so far as is consistent with the Preservation of our Lives, our own future Happiness, the Safety of our Family or Friends, the Good of our Country, and the Welfare of Mankind.

This Subordination we must, *in Principle at least*, acknowledge. It is in acting according to this Subordination that VIRTUE truly consists: Nay, it is in this that *Religion* chiefly consists; for the principal Part of our *Duty* towards God consists in performing our *Duty* towards *Mankind*, according to those Laws which he has prescribed, and which every Man finds deeply imprinted upon his Mind; for if we examine but a little into the several Passions and Affections of Mankind, especially that violent Desire every Man has of acquiring and preserving the Esteem of his Companions, we must conclude, that no Man can enjoy real Happiness, without observing this Subordination, in as perfect a Manner, at least, as it is generally observed by the rest of his Countrymen, particularly those with whom he associates. For Confirmation of this, I may appeal to every Man's Experience in Life; for we always find, that as soon as a Man has forfeited his Character, by neglecting to observe this Subordination, in any remarkable Degree, or by committing any notorious and *unfashionable* Violation of it, he deserts the Company of those that have preserved it, and begins to associate with Criminals like himself; and tho' in their Company he may seem easy, yet we may judge *what he feels within*, at every Time he meets one of his former Companions, or reflects upon the general Contempt he finds himself exposed to: Such is the Force of this human Passion for Esteem, that even the most barbarous Crimes, the most sordid Vices, by becoming general and *fashionable*, have often taken a new Name, and have assumed the Character of VIRTUE; our Reason, our Understanding, and our Judgment of Things, being as often misled by this Passion as by any other.

As no Man can be really happy without being *virtuous*, or at least without thinking himself *virtuous*; so, if every Man had Resolution enough to act according to the strict Rules of VIRTUE and Impartiality, and Patience enough to examine and discover, upon all Occasions, their proper Subordination, every Man would be happy as far as the common Frailties and Accidents of Life could permit. There would be no such Thing as particular Societies: Mankind would be but one general Society, without King or Subject, Lord or Tenant, Master or Servant: Every Man would be just to another: Every Man would assist his Fellow-Creature in Distress.

But the Case is otherwise, and has always been so. Most Men pursue vehemently their immediate Desires, their present Pleasures, without any Regard either to their own future Happiness,

or to the Preservation or Happiness of Mankind in general. This brings Diseases and Death upon particular Men, and has brought the *Evil of Government* upon the whole Species; for there is no Way of restraining these vehement and inconsiderate Pursuers of their present Good, but by an Association among the *Virtuous*, and more considerate, for restraining the violent Passions of one another; for compelling one another to be *Virtuous*, as far as it is possible for human Laws or Punishments to effectuate, and for their mutual Defence against all Manner of Injuries; and as this Union or Association cannot be made effectual for the End intended, without their submitting themselves to the Direction or Command of some one Person, natural or political; therefore all those who associate themselves together, for this great End, covenant to act with their united Force, according to that Direction they agree on; for, as in Mechanism, in order to make different Powers act with a joint Force, they must be made all to act in the same Direction; so, in order to make different Men act with a joint Force, they must all agree to act by the same Will or Direction. This Covenant is implied in the very Nature of every Society, and that Direction or Will, by which they chuse to act, is called their *Government*.

Mankind are, and have for many Ages been, too numerous for its being possible to unite them into one Society, or to subject them to *one Government*; and therefore we find, that there have always been, and still are, a great Number of distinct Societies or *Governments* in the World, and every one of these *Governments* again consists of a great Number of particular Families, or Societies; from whence flows that Series and Subordination, with respect to the Principles of VIRTUE, which I have mentioned.

The general Rules of VIRTUE, or the Laws of Nature, ought to be the Foundation of every particular Society, and are always supposed to be so, at least with respect to the Behaviour of the several Members towards one another; and, in all particular Societies, if there happens any Dispute between two of the Members, about the Application of these Rules or Laws, there is always some certain Method established for determining that Dispute, to which Determination both Parties are obliged, by the very Nature of the Society, to submit: And moreover, in order to prevent such Disputes as much as possible, and to ascertain the Application of the general Laws of Nature to every particular Case that may occur, and to explain them in such a Manner, as that every Man may easily understand them, every Society either makes a great many Regulations or Orders, which are called the Laws of that Society, or they submit themselves absolutely to the Will and Determination of their Governor or Governors, and to such Laws as he or they shall please to make.

When the Laws are made by the whole Society, they are called the *established Laws* of that Society; but when the People of

the Society submit themselves to the absolute Will and Determination of their Governor or Governors, and to such Regulations as they shall please to make, such Society may have Laws, but they cannot be said to have *established Laws*; for tho' the Governor may give several Orders and Directions how the Members shall behave towards one another, and likewise may lay down some general Rules for his own Government, yet, as the Observance and Altering of these Regulations, or Orders, depend entirely on the Will of the Governor, they cannot be said to be the *established Laws* of the Society; for no Law or Rule, that depends on the variable Will of another Man, can ever be said to be *established* with respect to me; whereas, if it cannot be altered, or broke through, without my Consent, it is, with respect to me, as much *established* as the Nature of the Thing will admit of, or as I can desire it should.

The End of *Government*, therefore, and the chief Business of all wise and just Governors, is, to enforce the Observance of the Laws of VIRTUE or Nature, according to the Subordination I have made; not only by their own Example, but by rewarding the *Virtuous*, and punishing the *Vicious*; this is the Business of Governors: But as Governors are liable to the same Follies, and immoderate Pursuits of present Pleasure, that other Men are, they often subvert the Ends of *Government*, and make Use of that Power, with which they are invested, not for the Protection of the People, but for the satisfying of their own unjust and violent Desires; from whence it often happens, that the *People stand as much in Need of being protected against their Protectors*, as they stand in Need of Protection against one another, or even against foreign Enemies. This is generally the Consequence, when the Governors are invested with too great a Power, too absolute a Command over the People of the Society; and, on the other Hand, if their Power be too small, if their Command over the People of the Society be too much limited, they are neither able to protect the Society against Insults and Invasions from without, nor against Factions and Insurrections from within. To avoid both these Extremes, has been the great Care of all prudent and wise Law-givers, and ought to be the continual Care of every Society. This is the Reason, that there are almost as many different Forms of *Government*, as there are different Societies; and from hence it is, that, with respect to Subjects, *Governments* may be divided into two Sorts, to wit, *FREE Governments*, and *slavish Governments*; the first of which, will, I believe, be admitted to be the best Sort of *Government*, with respect to the Happiness of Mankind in general, as well as the Happiness of that particular Society; and therefore no Man can lay Claim to VIRTUE or HONOUR, who, from a mean and selfish View, or for the Satisfaction of any private Desire, shall oppose its being established, or contribute to its being abolished in that Country where he happens to have an Interest.

In order to make my Readers fully comprehend this Division of Governments, I shall endeavour to establish what I take to be the only just and true Ideas of LIBERTY and Slavery.

LIBERTY is a natural Power of doing or not doing whatever we have a mind, so far as is consistent with the Rules of VIRTUE, and the *established Laws* of the Society to which we belong.

Slavery is a Force put upon human Nature, by which a Man is obliged to act, or not to act, according to the arbitrary Will and Pleasure of another.

From these Definitions it must appear, That tho' a Man of a wicked Disposition be, by Society, brought under the Necessity of acting, or not acting, according to the Rules of VIRTUE, and the *established Laws* of the Society, contrary to his own Inclinations, yet that Necessity is no Inroad upon his Liberty; he continues a *free Man*, notwithstanding the Force that is put upon him, because that Force is not put upon him as a reasonable Man, (which is the natural State of Mankind) but as a Man blinded and misled by his Passions.

And it must likewise appear, that when a Man is once brought into the unhappy State, of being obliged to act, or not to act, according to the arbitrary Will and Pleasure of another, tho' his Master, or Masters, be so indulgent, as not to desire any Thing of him, but what is according to his own Inclination, yet this Indulgence noways makes him a *free Man*; while he continues in such a State, he continues a *Slave*, notwithstanding the seeming Liberty he enjoys.

Now, FREE Governments I call all such, where the Subjects are in a State of Liberty, according to the Definition abovementioned; and *slavish Governments* I call all such, where the Subjects are in a State of Slavery, as above defined: But, in order to determine what Sorts of Governments are FREE Governments, and what Sorts are *slavish*, I shall examine, particularly, the three different Sorts into which Governments have been generally distinguished by those who have written upon the Subject.

With regard to Monarchy, or Regal Government, properly so called, by which I mean, *Absolute Monarchy*, or a Government under the absolute and arbitrary Direction of one Man, by whatever Name he may be dignified and distinguished, it is certain, that the Subjects of such a Government are all *Slaves*; for he that is obliged to act, or not to act, according to the arbitrary Will and Pleasure of a Monarch or his Minister, is as much a *Slave*, as he who is obliged to act, or not to act, according to the arbitrary Will and Pleasure of a Master or his Overseer. And indeed I never saw a Prime Minister, in any of the unhappy Countries of Europe where such Monsters are to be seen; I say, I never saw such a Monster at his Levee, or in any other Assembly under his Direction, but it gave me a lively Idea of an Overseer, directing a Plantation of Negroes in Barbadoes or Jamaica;

Jamaica ; the only Difference I know, is, that the *Slaves* of the latter deserve highly to be pitied, the *Slaves* of the former to be held in the utmost Contempt.

It must therefore be granted, That the Subjects of every *arbitrary* and *absolute Monarchy* are *Slaves* ; nor can the Wisdom, the Justice, or the Prudence of the Monarch, any Way alter the Condition of his Subjects ; for, tho' an *absolute Monarchy* may be *wise enough* to make, what are *ridiculously* called, the *standing Laws of the Land*, the *Measure of his Government* ; yet, as long as he has it absolutely in his Power to alter, or break through, or neglect observing those *Laws*, they cannot be properly said to be *standing Laws* ; nor can the Subjects be called *free Men*, no more than the *Slaves* of a prudent and just Master, who prescribes Rules and Regulations for the good Government of his *Negroes*.

As to an *Aristocracy*, or *Noble Government*, properly so called, by which I mean, a Government lodged entirely in the Hands of the *Nobles*, or *chief Families* of the Country, without their being any Way limited or restrained, but by one another, and by such *Laws* as they are pleased to make for themselves ; this Sort of Government, with respect to the rest of the People, is as *slavish* a Government as the other ; and the People subject to it, are as much *Slaves*, as the *Slaves* purchased by the *African Company*, or by any other Society or Corporation ; But they have this Advantage over *Royal Slaves*, that if one of their Masters happens to be a foolish, unjust, or cruel Man, two others may happen to be more prudent, or better natured, by whom the other's Cruelty will be restrained, and his Conduct towards the *Slaves* a little regulated ; and therefore, tho' such Governments be generally oppressive, they are not so *whimsically* oppressive as absolute Monarchies. However, as the *Laws* may be altered, broke through, or neglected, by the *Nobles*, they cannot be said to be *established Laws* with respect to the People ; and consequently the People, being subject to the arbitrary Will and Pleasure of the collective Body of the *Nobles*, must be as truly *Slaves*, as those who are *Slaves* of a Royal Master.

Lastly, As to *Democracies*, or *Popular Governments*, it is certain, that a *Democracy* may be, and generally is, a *free Government* ; but it may be otherwise. I say, it may be otherwise, and is more or less so, according to the Nature of the Power which the People reserve to themselves. Suppose the People should reserve to themselves, only the Power of chusing their own Governor or Governors, but that such Governor or Governors should, by such Choice, become vested with the absolute and sole Power of making, altering, or repealing what *Laws* they pleased ; and without being subject to be called to an Account, in a legal Manner, for this Conduct, or turn'd out, or punish'd for Misbehaviour ; as such Governors might alter, break through, or neglect

glect observing the Laws, without the Consent of the People, therefore, with respect to the People, those Laws could not be called the *established Laws* of the Society; nor could the Governors be legally confin'd or restrain'd by any Power whatsoever; so that, during the Continuance of this Government, they would be as absolute and arbitrary as any Monarch; and consequently the People would be as much Slaves, as the Slaves of any other Sort of arbitrary Government. They would differ from royal, or noble Slaves, only in this, *That they might perhaps indulge themselves with the vain Conceit of chusing their own Masters, and the comfortless Advantage of changing one Set of Oppressors for another.*

Suppose, again, that the People should reserve to themselves the Power of chusing their own Governors, and also the sole Power of making, altering, or repealing their Laws, *but without reserving any legal Power of calling their Governors to an Account, either before or after the Expiration of their Government, or of punishing them for Malversations:* In this Case, we must consider, that the most strict, the most severe Laws that can be made, are nothing but a dead Letter, unless some Method be established for carrying them into Execution, and enforcing the Observance of them, by punishing the Offenders: This, of the People's having the sole Power of making their own Laws, would signify nothing with respect to their Governors, unless the People should likewise reserve a Power to punish their Governors, if they transgressed them: Without such a compulsory Power, it could not, with respect to the Governors, be said, *That the Society had any Laws at all:* The Governors could not be directed by any Thing, but their own arbitrary Will and Pleasure; and the People being subject to that arbitrary Will and Pleasure, it would be ridiculous to call that People a *free People*, or to say, *That such a Government was a free Government.*

In the *third Place*, Let us suppose, that the People have reserved to themselves, not only the Power of chusing their own Governors, and making their own Laws, *but also a legal Power of calling their Governors to an Account, and of punishing them, when legally convicted of any Misbehaviour in their Office:* This, we may immediately see, must necessarily constitute a *free Government*; and must place every one of the Subjects in the most *perfect State of social Liberty*: The Laws of such a Society may be truly and properly called the *established Laws* of that Society; every Member might do or not do whatever he had a mind, so far as consisted with the Rules of *Virtue*, and the *established Laws* of the Society: And if any Man, Governor, or other, offered to encroach upon his Liberty or Property, he would have the Laws of his Country for his Protector, and the united Force of the Society for his Avenger; which is all that human Wisdom can invent, or Society afford.

From

From what has been said, one may easily discover the principal, and indeed the only Rule, by which we are to judge, whether a Government be a FREE or *slavish* Government. It is not the Society's having a Body of Laws, which are called the *standing Laws of the Land*; it is not their having a wise and a just King or Governor; it is not the People's having the sole Power of making their own Laws, that constitutes them a free People: *But it is the People having reserved to themselves, not only the sole Power of making Laws, but a Power of enforcing the Observance of those Laws, by a legal and effectual Method of prosecuting and punishing whosoever shall dare to transgress them.*

This Power, as I have said, must be a *legal* and an *effectual* Power, *that is*, The People must not only have the Power of calling their Governors and Rulers to an Account, and punishing them for their Misdemeanours, but, by the Constitution of their Government, some Method must be established, by which the People may exercise this Power in a *regular* and *legal* Manner, so as to make it effectual against the *greatest* Offender; for in all Societies, even in the most arbitrary Governments, the Governors are obliged to have some Regard to common Justice, and to those Laws which are called the Laws of the Society; because, as mutual Protection and Self-Preservation are the chief Causes of Mens submitting to Government, if the Generality of the People should find, that their Governors subverted the Ends of Society, and destroyed those they ought to protect, they would certainly, at last, come to a general Insurrection against their Governors, and, in a *mobbish* Way, would do that, which, by the ridiculous Form of their Government, they could not do in a *legal*. This is often the Case, at present, in the *Turkish* Government, and has often been the Case in all arbitrary Governments. The People suffer long and grievously; many small Insurrections happen; many Sacrifices are made to the Jealousy, to the Malice, and to the Revenge of *Tyrants*: At last the Insurrection becomes general, and the *Tyrants* suffer in their Turn; but the Mischief is, that many innocent Men are born down and overwhelmed in the Torrent, and the Society itself is generally in Danger of a total Dissolution.

Tho' this *mobbish* Way of calling Governors to an Account, may be some Restraint upon the Exercise of their Power, yet it is very far from constituting any Sort of social Liberty; for, as it proceeds from that Liberty of Action, with which every Man is by Nature indued, it is what the most *abject* Slave, even the most *wretched* Negro in the *West-Indies*, enjoys, as much as any Subject whatever; and every Slave will certainly make Use of it, when he sees a Probability of succeeding in any Attempt for relieving himself from a cruel and oppressive Master. *Slaves* are prompted by Despair; and by Fury, by Murder, and by general Massacres, they seek to relieve themselves from Oppression: But

free.

free-born Subjects are prompted by a generous and cool Resentment; they have Recourse to the Laws of their Country, and, by a *regular Prosecution*, they pour down their Vengeance only upon the Guilty: When this is done, they are pacified; but if in this they should find themselves disappointed, they will, from that Moment, look upon themselves as *Slaves*, and will certainly, in an *outrageous Manner*, endeavour to relieve themselves the first Opportunity that offers.

As no Form of Government, then, can be called a *free Government*, but that by which the People have the sole Power of making their own Laws, and also a Power of prosecuting and punishing, in a *legal and regular Method*, even their Governors or Rulers, when they transgress those Laws, or commit any Sort of Misdemeanour in the Execution of their Office, it is therefore necessary, in all *free Governments*, for the People to assemble often together; but when a Society becomes very numerous, either by the Increase of their own People, or by the Accession of others, it becomes impossible for the whole People to meet together; and for this Reason the Custom was introduc'd, of sending *Representatives*; that is, The People divide themselves into certain Districts or Communities, and each District or Community sends two or three of their Number, to represent them at the general Assembly of the Society; and, consequently, these *Representatives*, when met together, have the Exercise of that Power which is lodged in the People. This is the Form, of all the Governments we know of at present, which hath any Thing of *Freedom* in their Constitutions; and, in such Societies, we must carefully distinguish between the *Power of Supremacy*, which is lodged in the People, and the *Exercise* of that *Supremacy*, which is lodged in the Assembly of the *Representatives*; and we must likewise distinguish between the *Government*, and the *Exercise* of the *Government*: For, if the People have retained to themselves the Power of chusing all their Magistrates and Officers, the *Government*, as well as *Supremacy*, is lodged in the People, and the *Exercise* of the *Government* is lodged in the *Magistrates and Officers* they chuse; but if the People have not retained the Power of chusing any of their Officers or Magistrates, the *Government* is then lodged in the *Chief Magistrate* or *Magistrates*, and the *Exercise* of it is lodged in those deputed by him or them; for *Chief Magistrates* cannot take much of the *Exercise* of the *Government* personally upon themselves.

As the *Representatives* of the Society, under a free Government, are, in their Assemblies, to exercise the Power of the People, for the Good of the People in general, and not for their own private Advantage, and as Men are apt to be blinded and misled by their private Advantage; nay, as there will always be a great Number of Men, in every Society, who will, knowingly, and with their Eyes open, sacrifice the Publick to their private Advantage,

rage, therefore it is absolutely necessary, that, in all Questions that come before such Assemblies, *no Member should have any private Advantage or Emolument, to get or lose, by his being for or against either Side of the Question.*

For Example, as, in all such Assemblies, the two chief Powers which they are to exercise, are, the making of Laws, and the punishing of high Criminals, let us, in the first Case, suppose, that a Proposition is made to them, by a *private Company*, for a new Law, which, by a *fresh Example* in a neighbouring State, appeared to be of the most dangerous Consequence to the Publick; but might be of signal *private* Benefit to every one of the *Representatives* that agreed to it: When this Proposition is attended with the most plausible Pretences of publick Good, can we imagine, that, upon such an Occasion, the Majority of the *Representatives* will see the fatal Consequences attending such a Law? Must not we grant, that a great many of them who do, will, nevertheless, for their own *private* Advantage, agree to it: without taking the least Care to prevent the fatal Consequences that may attend it? Suppose, again, that, upon some great Combustion of State, the Magistrates should propose Laws, which might perhaps be necessary at that Time, but which, if continued, must entirely divest the people of the Power, either of making Laws, or calling any future Magistrate to an Account: If the Magistrates could support such Propositions, with great *private* Advantage to every Man that agreed to them, Can we suppose, that the Majority of the *Representatives* would see the evil Tendency of making such Laws perpetual, or would be so cautious, as to insist upon their being temporary? And the Magistrates being once in Possession of those Laws, tho' the evil Tendency of them should afterwards plainly appear, Can we suppose, that the *Representatives* of the People would ever repeal them, if the Majority of them were to lose a great Part of their yearly Revenue, by voting for such a Repeal? *Upon such Occasions, some real honest Men may be misled; but it is a terrible Thing for the People to have their Representatives liable to be misled, not only by plausible Pretences, but by private Advantages.*

In the other Case, let us suppose, that a *high* and a *notorious Criminal* is accused, or Motions made towards his Accusation, in the Assembly of the *Representatives* of the People, but that the Majority of that Assembly are in Possession or Expectation of great Favours from that *high* and *notorious Criminal*, *Favours which he can take away or refuse at Pleasure*: Must not every Man, in that Case, depend upon being dispossessed or disappointed, if he votes in Favour of the Accusation or Motion; and, considering the Nature of Mankind, can we expect that the most heinous Criminal will be condemned, or that his Crimes can ever be brought to Light, as long as the Majority of the *Representatives* are in Danger of great *private* Damage by doing
publick

publick Justice? No such Thing can be supposed. It is an established Maxim in the Law of Nature, it is an established Maxim in the municipal Law of every particular Society, *That no Man shall sit as Judge in a Cause in which he is interested of either Side of the Question*; and shall an interested Man be refused as Judge in a private Cause, and yet admitted as a Judge between his Country and a publick Criminal, a Criminal upon whom he depends perhaps for the greatest Part of his Subsistence? This would be so ridiculous, that I should not have thought it necessary to refuse it, if it had not been lately insisted on by some Men of high Rank in this Kingdom.

To constitute therefore a *free Government*, or to intitle the People of any Society to the glorious Claim of being *free-born Subjects*, it is absolutely necessary for them to reserve to themselves the Power of making their own Laws, and calling to an Account and punishing their Rulers when they transgress those Laws: To have, by the Constitution of their Government, a *legal and effectual* Method of exercising this Power, either by themselves or their *Representatives*: And that, in the Exercise of this Power, the Majority of the People, or the Majority of their *Representatives*, shall not be *blinded or biassed* by any *private Advantage*, either in Possession or in Expectation.

The Advantages which the People enjoy by being under a *free Government*, are so conspicuous, that they require no Explanation; but I shall take Notice of one Advantage, that even the chief Magistrate or Magistrates enjoy by being at the Head of such a Government. In all *slavish Governments*, the chief Magistrate often loses entirely the Hearts and Affections of the People, without being sensible of it, till the Torrent becomes too strong to be stemmed; for Discontents in the State, are like ulcerous Humours in the Body; if they have no natural Vent, or if the natural Vent be stopt, they fall at last upon the Vitals, and bring Death and Dissolution upon the political Body. This Misfortune often happens, even without any Fault or real Oppression in the chief Magistrate; for Discontents generally take their Rise from the Oppressions of Underlings: Nay, they may sometimes arise from a Mistake in the People, or from artful Insinuations and Misrepresentations; and the People, having no Way of undeceiving themselves, or of distinguishing the Innocent from the Guilty, ascribe all the Misfortunes they feel, or believe they feel, to the chief Magistrate, who, for this Reason, often falls at last a Sacrifice to their Resentment. This Inconvenience the great Politician *Machiavel* was so sensible of, that he takes a whole Chapter, to shew *how necessary it is, for the Preservation of a free State, that any Citizen may be secretly accused*.

To this Inconvenience no *free Government* can be exposed, because the chief Magistrate may always learn the Humour or the

Discontents of the People from their Assemblies, or the Assemblies of their Representatives, if, in the chusing of such Representatives, the People be left to a *free Choice*, and no Art made Use of to *corrupt* the Representatives; and the People, having a *regular* and *legal* Method of undeceiving themselves, and of distinguishing between the Innocent and Guilty, false Reports and Misrepresentations will generally fall upon the Heads of those that contrive them: And, even when Oppressions have been committed, the People will seldom carry their Resentment higher than those that are really guilty. If the Course of Publick Justice has met with no Let or Impediment, the chief Magistrate will certinly be excused, because all such are liable to be deceived by those they are obliged to employ.

But as no human Institution can be without Dangers and Inconveniences, the most perfect *free Government* must be liable to some; and a pure and simple *Democracy* is liable to a great many. That I call a pure and simple *Democracy*, where the People have reserved to themselves, both the *Supremacy* and the *Government* of the Society. In such a Government the Choice of chief Magistrates often breeds great Disturbances, and not seldom involves the Country in Civil Wars, by which the Constitution of the Government, and the Liberties of the People, always run a great Risk of being undone; for if a Civil War be once begun, the victorious Side generally establishes a *Monarchical* or an *Aristocratical Tyranny*.

The same Misfortune often befalls a *Democracy*, from the Ambition of some of their Magistrates, especially if they be such as have got Possession of an immoderate Share of Riches, or such as have, from great Services, gained the general Esteem of the People. The vulgar and inconsiderate Part of Mankind, which is by much the greatest, are outrageous in all their Passions, and so short-sighted, that they seldom perceive Dangers, till they become so great, and approach so near, that it is impossible to prevent or withstand them. They are extravagant in their Love, as well as their Hate, and cannot discover those Designs which are deeply laid, and artfully carried on against their Liberties: And as the People are all upon an equal Footing, as no Families have any particular Privileges or Preeminencies, they have all an equal Concern for the Preservation of their Liberties, and *That which is the Concern of all, is too often neglected by all*. This makes it easy for a rich Man, or a Man in great Esteem among the People, to get the Management and Direction of their Assemblies; and if he be an ambitious Man, he may manage and direct them so artfully, as to get the absolute Sovereignty into his Hands, or to be in a Capacity to assume it whenever he pleases, before the People become sensible of the Danger. If this be done by one single Man, the *Democracy* becomes a *Monarchical Tyranny*;

Tyranny; if by a confederated Set of Men, it becomes an *Aristocratical Tyranny*.

In all *Democracies* therefore, nay, in all Sorts of *free Governments*, the chief Care of the People ought to be, That no particular Man, nor any confederated Set of Men, obtain the chief Direction of their Assemblies; and, for this End, they ought to take special Care, that no particular Man, or Family, get Possession of a very immoderate Share of the Wealth of the Society, or have it in his Power to bestow too many Favours, Rewards, or Punishments. Nay, that no particular Man acquire too great a Share of Esteem; for of all Dangers this last is the greatest, and the most difficult to be guarded against. It is even dangerous for any Man to attempt to stop the Torrent of Esteem which naturally flows in upon a deserving Man; for tho' the Attempt may proceed from the most candid and the most unbiassed Love for the publick Good, yet the Multitude will be apt to imagine it proceeds only from Malice and Envy. In short, this Danger of a *Democracy's* sinking into a *Monarchical* or an *Aristocratical Tyranny* is so great, and so unavoidable, that there never was a pure and simple *Democracy* in the World, that continued so for any considerable Time: And I think I could demonstrate, that the Ruin of the *Roman Republick*, which was, at first, a Government compounded of *Aristocracy* and *Democracy*, was chiefly owing to their introducing, afterwards, too much of the *Democracy* into their Form of Government.

As all Multitudes, not under the absolute Direction of great and eminent Men, are apt to be too much elated with Success, so they are apt to take the Pannick, and to become too much dejected upon any Misfortune. To both these Inconveniences *Democracies* are but too liable; and they are too open and too slow in all their Resolutions, which renders it easy for their Enemies to prevent their Designs, and to do them great Injuries by sudden Invasions. This makes them unable to withstand great and unexpected Dangers, or to bear up under signal Misfortunes. It was the *Nobles*, the *Patricians* of *Rome*, that supported that *Republick* against the *Gauls*, in its Infancy, and against the *Carthaginians* in its riper Years. It was the *Dictatorial* Power that often protected and relieved them in the Time of imminent Danger: But it was the *Dictatorial* Power that at last overwhelmed their *Republick*.

The last Inconvenience of a *Democratical Government*, which I shall take Notice of, is, That the Distribution of Justice and Mercy, by great and numerous Assemblies, is seldom either equal or prudent. They are generally either too rigorous or too merciful: For, if a Man be brought to his Trial while the Spirit of Resentment is high among the People, they are apt to mistake Misfortunes for Crimes, and even to behold the latter

in the malicious and magnifying Glass which his private Enemies artfully place before them. On the other Hand, if a Criminal can by any Art put off his being brought to a Trial, or give a Turn to the popular Resentment, they are too apt to forget the Injury, and to pardon the most dangerous Offender.

As the Nature of a *free Government* has of late been *wickedly misrepresented*, and as no Man can thoroughly know the Excellencies of our Happy Constitution, without knowing the Defects of other Sorts of Government, I thought it was necessary for me to premise the foregoing Remarks; and from them I hope I shall be able to give every one of my Readers most substantial Reasons for preferring *the Constitution of our Government* to any other. In so doing, I am sure I shall give a singular Satisfaction to every True Briton; and I hope I shall be able to make every generous Breast glow with an ardent Desire to preserve it in its full Vigour and true Spirit; and to be as just and honourable to their Posterity, as their Ancestors have been to them.





T H E
FATAL CONSEQUENCES
O F
Ministerial Influence, &c.



OUR Constitution was originally formed upon the Model of the little Governments which existed among our Ancestors, the *Germans*, long before they came over to *this Island*; every one of which consisted of a King or supreme Chief, a Number of inferior Chiefs, and the People in general. In ordinary Affairs, the King consulted with the Chiefs, or such of them as he thought fit to call to his Council; but, in the great Affairs of State, such as making Laws, consulting about Peace or War, trying of great Causes or Criminals, &c. the whole People of the Society, at the Desire of their Sovereign, assembled together in Arms; the King and the Chiefs consulted and resolved; the People approved or disapproved: They approved by the Clatter of their Arms; they disapproved by a harsh and inarticulate Murmur: In the first Case, the Resolution of the King and his Nobles were carried into Execution; in the last, it was always dropped or suspended: From hence proceeds the different Words made Use of in our antient Writs or Summons to Parliament; the Peers are summoned *ad consulendum*, the Commons *ad consentiendum*: From hence likewise proceeds the Custom, still subsisting, of shewing our Dislike, by Hissing, and our Approbation, by making a Noise with our Feet and Hands.

This was the Form of their Governments; and this appears to have been a *mixed Form of Government*; a Form compound-

ed of *Monarchy, Aristocracy and Democracy*. The *Supremacy* was lodged in the People, (including King and Chiefs) and the *Exercise* of the *Supremacy*, in the *general Assemblies* of the People: The *Government* was principally lodged in the King; and the *Exercise* of the *Government* in the King and such of the Chiefs as he was pleased to call to his Council *. In these Governments the People had the Power of making their own Laws, and the Power of trying and punishing the greatest Offender; and as they had a legal and effectual Method of exercising this Power in their general Assemblies, therefore we must conclude that these were *FREE Governments* †.

When our Ancestors conquered this Country, they divided the conquered Lands among themselves: Every Chief got a certain District of Land assigned him, and great Part of this District he again parcelled out among his particular Followers; to some he gave greater Shares than to others, but every Man that had been concerned as a Soldier, in the Conquest, got some Share of the Lands conquered. We are not to suppose, that, upon this Occasion, all the Natives left the Country; many of them, without doubt, remained and submitted to be the Farmers and Servants of the Conquerors; but, as they were looked on as Slaves, (*Natif* and *Slave* being synonymous Words in our old Language) they were not allowed the Use of Arms, nor did they appear in the Assemblies of the People. *This is the true Reason why none but Freeholders had at first a Right to be in any of our Assemblies*; for it cannot be supposed, that there were, at first, any Cities or Towns in the Country, composed of numerous *Saxon* Inhabitants, especially if we consider, that, among them, all Sorts of mercantile or mechanick Arts were looked on as beneath a Soldier or Freeman: But when the *Saxon* Race began to encrease, and the Distinction between *Natif* and *Saxon* was forgot, Cities began to be formed, and *Citizens and Burgeses* were at last admitted into our Assemblies.

When the *Saxons* first settled in *England*, it is plain from History, they formed themselves into several distinct Societies; and it is likewise plain, or at least highly probable, that, in every one of these Societies, they established the same *mixed Form of Government* they had in their own Country: While these little Societies continued distinct, there was no Occasion for Representatives; all the *Freeholders* or *Freemen* could, and certainly did, meet together for regulating the chief Affairs of the Society; but when all the *Saxon* Kingdoms came to be united, it became impossible for all the *Freemen* to meet together; then the sending of *Representatives* became necessary, and thus began to be formed what we now call our *Parliament*.

As, in these Days, the Nation was often engaged in War, and travelling was very dangerous, the assembling of the People, or their *Representatives*, was often interrupted; and, during those Intervals, our Kings frequently used to call a Council of their Chiefs, or of such of them as he pleased to name, in order to consult about the ordinary Affairs of State, and even about some Things which could properly come only before the general Assembly of the People. These Councils some of our Historians have, by Mistake, called *Parliaments*; and this has led some People into a more ridiculous Mistake, *that of old our Parliaments consisted only of such Men as the King was pleased to call*; but it is plain, that these Assemblies were only such Assemblies of the Chiefs, as it was usual for the Kings in *Germany* to call, in order to consult about the ordinary Affairs of Government: None of these can be called an Assembly in which the *Exercise* of the *supream Power* was lodged; it could only be an Assembly in which the *Exercise* of the Government was lodged by our *original Constitution*.

It is not necessary, for my present Design, to run through all the Variations and Regulations that have happened in the Manner of holding this general Assembly, in which the *Exercise* of the *Supremacy* is lodged by our *original Constitution*; but, from our whole History, it is plain, that we have always endeavoured, and I hope always will endeavour to preserve the Spirit of that Form of Government which we brought with us from *Germany*, and upon which we have made some considerable Improvements. According to the *true Spirit* therefore of our *Constitution*, the *supream Power* is lodged in the King, Nobles and People; the *Exercise* of that Power, in the King, Lords and Commons in *Parliament* assembled; the Government is partly lodged in the King, and partly in the People; and the *Exercise* of the Government chiefly in the King; and such as he shall appoint, but a Part of it too is lodged in *Magistrates chosen* by the People. In these last Two we have made many Changes, as the Circumstances of our Affairs required; and it is probable we must always be making Changes, as future Incidents may make it necessary. It is therefore evident, that our *Constitution* is a Form of Government compounded of the *Democratical*, the *Aristocratical*, and the *Monarchical*; and, as its Excellence consists in such an *equal Mixture* of these *three Powers*, as that no one of them shall be able to *overturn*, or (which is the same Thing) *absolutely direct* the other Two, our great Business is to preserve this *Equality*. This is not to be done by any Regulations that the greatest human Prudence or Foresight can at once contrive or establish; for as Power is, in its own Nature, unsteady, and always sinking or rising, and as our *Constitution* is compounded of *three distinct Powers*, there has always been, and while it endures there always will be, a Contest between these Three, either

ther for *Superiority* or *Equality*; which Contest is so far from being a Misfortune, that in this the *very Life and Spirit* of our Constitution exists; it is *this Contest, this mutual Jealousy, that has disappointed the Projects of so many ambitious Kings, and has made many a rapacious Sycophant finish his Life upon a Block, or in a Halter.*

This is the Reason, that there is not one Period of Time can be assigned, when it may be said our Constitution was in such a Degree of Perfection, as not to want some Amendment, nor is such a Degree of Perfection to be expected in any Time to come. The *true Life and Spirit* of our Constitution is what every Man ought to study, and to preserve it ought to be every Man's principal Aim: Every Age, every Generation, ought to make it their chief Business to obviate or remove whatever may, in their Time, seem to threaten the *Destruction* of that *sacred Deposit*, which their *Ancestors* have entrusted in their Hands for the Use of their *Posterity*. And, as the *true Life and Spirit* of our Constitution consists in keeping the *three political Powers*, of which it is composed, always in an *Equilibrium*, it is the Duty of every Man, who has a Vote either in *Parliament* or at *Elections*, to keep a watchful Eye upon this *political Balance*, and to be diligent in depressing which ever of the *three Powers* seems, in our Days, to have got too much the *Ascendant*. From which must appear the egregious Stupidity, or the more egregious Wickedness of those who now tell us, *That the late happy Revolution established the Liberties of this Nation upon such a firm Basis, that we have no Occasion to be afraid of any future Designs.*

By this *artful, this equal Mixture* of the *three principal Forms* of Government, we avoid the Dangers, and enjoy the Advantages of each: By our having a *hereditary Monarchy*, we avoid the fatal Disputes and violent Commotions, about the Choice of a King, or chief Governor or Governors, which often rend in Pieces, and some Times destroy *Democracies* as well as *elective Monarchies* *. The Right of the Royal Family, and the Peace of the Kingdom, are secured by that wise and salutary Maxim, *That the King can do no Wrong*; and the Liberty and Property of the Subject are secured by that equally wise and salutary Maxim, *That the King's express Order shall not excuse a Subject for acting contrary to Law*; nor to put a Stop to, or prevent the Effects of an Impeachment in Parliament.

By the *Monarchical Part* of our Constitution, we enjoy this other Advantage, that as the executive Part of our Government, especially with regard to Foreign Affairs, is entrusted with the King only, we thereby avoid the Inconveniences and Dangers which flow from the Openness and Delays incident to popular Councils †. In all Cases of great and sudden Danger, the King becomes

* See Introduction, P. 11.

† See ditto, P. 13.

becomes of Course invested with a *dictatorial Power*; the *Supremacy* is, on that Occasion, lodged solely in the King, and he may, by such Ways and Means as he finds necessary, take Care, *ne quid detrimenti respublica capiat*: And, in such Cases, the *Parliament*, as soon as assembled, will certainly approve of what was prudently and necessarily done; even tho' some of the Measures taken were a little extraordinary, and not consistent with the *strict Rules* of our *Constitution*. But as this is a Power *dangerous* to our *Constitution*, therefore it is never to be exercised but in Cases of the *utmost Necessity*; and the Exercise of it must never be continued any longer than the *Necessity* absolutely requires. It is a Power which never ought, and which indeed cannot be granted by *Parliament*; for nothing can excuse the Exercise of it, but the immediate *Necessity*; and that *Necessity* cannot be immediate, which may be foreseen or provided against by *Parliament*. We have formerly had *parasite Ministers*, we have even had *venal Lawyers*, who have told our Kings, they might exercise it whenever they had a mind: And if *Parliaments* should once begin, by any Resolution of theirs, to tell our Kings, before Hand, when they might use it, what happened to *Rome*, might very probably happen to us. Some *future venal Parliament*, may make a *Grant* of it for a *Term of Years*, and then for a *Term of Life*: But this we are guarded against by our *Constitution*, because the *Supremacy* is never lodged in the *Parliaments*; and therefore no *Grant* of theirs can give our King any greater Share of it, than he has by the *original* and *established* Form of our Government: In case of *Necessity*, he becomes absolute and arbitrary; but if he should assume such a Power, without any apparent *Necessity*, or continue it longer than the *Necessity* required, *his Ministers* would certainly be made to answer for it to *future Parliaments*; no *anterior Grant*, or *Resolution* of *Parliament*, could, upon such an Occasion, be pleaded in their *Vindication*.

By the *Aristocratical* Part of our Government, we are secured against the Ambition of our Kings, as well as of private Men; and the Spirits of the People may be supported under the greatest Misfortunes. Our *Nobles* are, by their Birth, entitled to great Privileges and Preeminencies; therefore (if they have any Thought at all) they are more particularly concerned in the Preservation of our *Constitution*; and must, upon all Occasions, be extremely jealous of every Step that may tend towards its Overthrow*. By their Education, they are or ought to be taught to search into the Mysteries of State-Affairs, and the hidden Designs of Men; from whence 'tis to be hoped, they will always discover the Danger before it becomes unavoidable; and they are, upon all such Occasions, in Honour, obliged to

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* See Introduction, P. 12,

set themselves up as a *Barrier*, and to venture their *Lives* and *Fortunes*, in *Defence* of the *Constitution* and the *Liberties* of their *Country*.

But, of all others, the *Popular Part* of our *Constitution* is the most beneficial *; the *Power* of the *People* in making their own *Laws*, and in calling their *Governors*, under the *King*, to an *Account*, is ingrafted in our *Constitution*, and established in the most perfect *Manner*. Our *People* are not obliged to submit to any *Law*, without their own *Approbation*; nor can any *Law* be altered or repealed without their *Consent*: Our *People*, assembled by their *Representatives* in *Parliament*, may call the greatest *Subject* to an *Account*, and may punish him for his *Misdemeanours*: This is what gives *Life* to our *Laws*, and *social Liberty* to the meanest *Subject*. It is this that protects every *Man's Life* and *Estate*, and makes him sit securely under his own *Fig-Tree*: It is this that bridles the *Violence* of the most *Rapacious*, and makes the *Greatest*, the most *Powerful Criminal* tremble, in the full *Possession* of his *Power*: And it is this that gives *Glory* and *Security* to our *King*, *Lustre* to our *Nobles*, and *Freedom* and *Happiness* to our *People*. While this *Corner* of our *political triangular Balance* preserves its due *Weight*, we shall continue a *happy* and a *free People*; but if ever its *Weight* be, by any *Att*, transferred to either of the other two, our *Government* will, from that *Moment*, become a *Monarchical* or an *Aristocratical Tyranny*; we shall all become *Slaves*, and, for one *Generation* at least, the most wretched of *Slaves*, by retaining a *Sense* of the inestimable *Blessing* we have lost.

I have shewed, that the *Freedom* of a *Government* chiefly consists in the *People's* having a *Power* to call their *Governors* to an *Account*, and a *legal and effectual Method* of exercising that *Power* †. The *legal Method* of exercising this *Power*, established by our *Constitution*, is by an *Impeachment*, or some other *Sort* of *Proceeding* in *Parliament*: This, I say, is the *legal Method*; this, I hope, will always be an *effectual Method* for bringing the most *powerful Offenders* to *Justice*; and, by this *Method*, we are most *prudently guarded* against the *Fury* and *Excess* of numerous *popular Assemblies* ‡. If any excessive *Warmth* should, upon any *Occasion*, appear in the *House of Commons*; it is checked and alleviated by the *Coolness* and *Wisdom* of the *House of Peers*, who, for their own *Sakes*, as well as for the *Sake* of *Justice*, are obliged to take *Care*, that no *Man* shall suffer by any *extravagant* or *ill-grounded Popular Fury*; and every one of the three *Branches* of our *Legislature* may take *Care*, that a *dangerous Criminal* shall not meet with *unseasonable* or *undeserved Mercy*.

With respect to the *People*, therefore, the *Democratical Part* of our *Constitution* is of great *Advantage*; but even with respect to our *King* and *Governors* under him, while they continue just and diligent

* See *Introduction*, p. 11. † See *ditto*, p. 7. ‡ See *ditto*, p. 13.

diligent in the Discharge of their Duty, it is of signal Benefit : For, while the People are *free* and undisturbed in the *Choice* of their *Representatives*, and while the *Members* of both *Houses* of *Parliament* continue *faithful* to the *Trust* reposed in them, our King and Governor may, in a *legal* and *regular* Way, be truly informed how the People stand affected towards their Administration. If any Murmurs or Discontents arise, they may have the Occasions of them *regularly* and *fairly* enquired into ; by which the People will be satisfied, if they have been misinformed ; and if the Murmurs have been occasioned by the Crimes or the Misdemeanours of the Underlings in Power, those Underlings will be tried and punished in a *legal* and *regular* Manner, by which the People will be pacified, and their Resentment against the King, or any great Officers under him, fully removed : So that neither our King nor his Ministers can ever suffer, if they are innocent ; nor can they be exposed to those violent Commotions and Insurrections, which, in absolute *Monarchies* and *Aristocracies*, are often fatal to the Innocent, by confounding them with the Guilty *.

Thus have I shewn the *true Nature*, and some of the *chief Perfections* of our Constitution. I hope I have set them in so clear and distinct a Light, as to make every Man firmly resolve to preserve them, *at the utmost Peril of his Life and Fortune*.

The *Nobles* of this Kingdom (I mean the great and ancient Families, whether they have got Titles or not) have had many hard Conflicts in Defence of our Constitution ; and have raised many strong Bulwarks for its Preservation : But those of the present Age are not to sit down secure, with the Thoughts that their Ancestors have done, or provided all that was necessary for that Purpose ; this I have shewn to be impossible : We may as well imagine, that our Ancestors have secured us against being conquered by foreign Enemies, and that we have therefore no Reason to provide Arms for our Defence, or accustom ourselves to the Art and Discipline of War. *Power is, in some Shape or other, perpetually endeavouring to usurp, and therefore Liberty must be perpetually upon its Guard, prompt to reassume whenever it has been dispossessed, and diligent in fortifying wherever an Attack is like to be made.*

Let me again take Notice, because it is of the utmost Importance, That as the *Freedom* and *Perfection* of our Government consist in its being compounded of a *Monarchical*, an *Aristocratical*, and a *Democritical* Power, the Preservation of our Constitution must necessarily depend upon keeping these *three Powers* so *equally poised*, that neither of them shall ever be able to swallow up both, or either of the other two ; and as each of the *three* will be forever endeavouring to *usurp* upon the other two, therefore it behoves every Man, who has the least Regard to the Happiness of his Country, or to his own Honour, to examine strictly the Circumstances

* See Introduction, p. 8.

Circumstances of the Government in the Age in which he lives; and if he finds, that too much Power has been artfully, or by Accident, thrown into any one of the *three Scales*, he is from that Moment engag'd, in Honour, in Conscience, in every Thing that can be dear to a wise and prudent Man, to assist in removing some Part of the Weight from that *Scale*; for if this is not speedily done, the *Scale* that has once got the Turn, will soon mount up the *other two* to the Beam, and the Weights of both will then naturally drop into the *heavy Scale*.

As a prevailing Power will, at all Times, draw many Friends, a Man must, in this laudable Undertaking, expect to meet with great Opposition: Upon the contrary Side, he may probably find many of his Relations, many of his Friends, and some, perhaps, from whom he has received signal Favours: But he ought to remember, *That no Relation, no private Friendship, no Favour received, can oblige him, or ought to induce him to desert the Cause of his Country, or to neglect doing any Thing that may contribute to its Success* *: Nay, some particular Cases may happen, where he may be obliged to sacrifice even his own private Opinion, with respect to a particular Case, to the Success of what he has principally in View; for when a *Conspiracy* is formed against the *Constitution*, there must be a *Confederacy* formed to defeat it; and as the *Conspirators* will certainly, upon all Occasions, sacrifice their *private Sentiments* to the Success of the *Conspiracy*, the *Confederates* must sometimes sacrifice their *private Sentiments* to the Success of the *Confederacy*.

In the present Age, I believe no Man will suspect, that there is too great a Weight, either in the *Aristocratical* or *Democratical Scale* of our Constitution; but as for the *Monarchical*, there is, in many respects, some Reason to suspect that it is become too weighty, and that the *Liberties* we now enjoy, and the *Preservation* of our *Constitution*, depend more upon his Majesty's *Wisdom* and *Goodness*, in not making an *improper Use* of that *Weight of Power*, which has of late been thrown into the *Monarchical Scale*, than upon the Nature of our Government, as it stands at present. This, I say, there is some Reason to suspect, in many Respects; but, at present, I shall confine my self to the great *Influence* which the Crown, or at least the Ministers of the Crown, might have upon *Elections*, and in *both Houses of Parliament*, (if they should ever be so wicked, as to direct the Power they have to that Purpose) by Means of the many *Posts*, *Pensions*, *Translations*, *Ecclesiastical*, *Civil* or *Military*, and large *Sums* of Money now in the *Disposal* of the Crown, and depending upon the absolute and arbitrary Will and Pleasure of the *Ministers for the Time being*.

I have already shewed, That when the Power of the People, either in making Laws, or in calling their Governors to an Account,

* See *Introduction*, p. i :

count, is to be exercised by their *Representatives*, it is absolutely necessary, *That no Member should have any private Advantage or Emolument to lose or expect, by his being for against either Side of the Question* * ; for such is the Nature of Mankind, such has always been the Nature of Mankind, that the Generality of them may, in most Questions relating to the *Publick*, be very much blinded by their *private Advantage* ; nay, many Men will, upon all Occasions, be ready to sacrifice the *Publick* for a very mean and paltry *present Reward*. I know it has been said, We cannot imagine, that any Man, of a tolerable Estate, will sacrifice his Honour, and the Constitution of his Country, for any Post or Pension the Crown can bestow, because he will thereby render precarious, not only the Post or Pension he receives, but his own hereditary Estate : But Gentlemen who argue at this Rate, *if they are serious*, must understand very little of Mankind ; for it is certain, that many, I am afraid most Men are ready to sacrifice the greater *distant* Good, known and acknowledged to be so, for the Satisfaction of any *present Appetite*. No Man's *private Estate* can be brought into an *immediate Danger*, by any Vote he can be required to give ; and even an honest Man may be so blinded by his *present Advantage*, that he cannot see the *distant Danger*. This we are convinced of by the Histories of all Countries which have lost their Liberties ; nay, in the History of our own Country, let us but consider the Beginning of *Queen Mary's Reign*. We know, that many of the best Families of *England* were then in Possession of Lands formerly belonging to Monasteries, which Lands would certainly have been taken from them, if the Power of the *Church of Rome* had been fully re-established in this Country ; and yet, while she had *Spanish Gold* to give, we find *both Houses of Parliament, Lords as well Commons*, concurring with her, in all her Measures for re-establishing the Power of the *Church of Rome* in this Kingdom. The Grants of these Lands, in her Father's Reign, prevailed upon his *Parliaments* to join in all his Measures ; yet, in her Reign, the *distant Fears* of losing them could not prevail against the *present Temptation* of very trifling Sums in ready Gold.

If ever the Crown, or rather the Ministers of the Crown, should be able, by the many *Posts* and *Pensions* at their Disposal, to influence *Elections* of all Kinds, and *both Houses of Parliament*, so as to have always a *Majority* in each House, under the *absolute Direction* of the *Prime Minister* for the Time being, it would be noway necessary for any Minister to desire a *further Sacrifice* of our Constitution ; for, by both Houses being under such a Direction, our Constitution would be as effectually destroyed, as if both Houses had joined in an *absolute Surrender* of all the Liberties and Privileges of the People. The outward Form might, and probably would be kept up, but every Man must see, that the Life and Spirit of our Constitution would be lost ; our Government

* See *Introduction*, P. 9.

vernment would, from that Moment, become an *absolute Monarchy*, and that one of the *worst Kind*: For, if we must chuse, it would be better for us to have absolute Monarchy founded upon the Principles of *Passive Obedience* and *Non-Resistance*, and supported by superstitious Priests, ridiculous as they are, than an absolute Monarchy founded upon Corruption, and supported by mercenary Parliaments. In the first Case, the People would, 'tis true, be *Slaves*, but they might preserve their Religion and their Morality; whereas, in the last Case, the People would not only be *Slaves*, but the Generality of them would, of Course, become *arrant Knaves*, and a general Depravity would rush in upon us, for all Sorts of *Licentiousness* would be encouraged, in order to make Way for Corruption: We could never expect to see our Debts paid off, nor to be relieved of any of our Taxes; and if any Part of the old Debt should at any Time be paid off, great Care would be taken to contract some new Debt in its Stead; for the Doctrine lately broached would then become a certain and necessary Maxim of State, *Our Debts must be kept standing, and our Taxes continued, because the Dependencies they they create are necessary for the Support of our Government.*

Under such a Government as this, it would be impossible for the People, in a *legal* and *regular* Method, to bring any Minister to Justice, as long as he continued the Favorite of the Crown: Let him be as rapacious and oppressive as it is possible to imagine: Let the Interest of the Nation be sacrificed to Foreigners: Let the Murmurs of the People be loud and general: *Nay, let him be burnt in Effigie at every Market-Town in England*: He would continue to rule over the People, to insult the Nobles, to plunder the Nation, and to rob the Exchequer; and, till the Crown threw him off, he might every Year proudly brag of his Wisdom and Innocence, and defy the Friends of the People to lay any Thing to his Charge. Could we then pretend to be a free People? Could we pretend to a Privilege or Power of calling our Governors to an Account, and punishing them for their Transgressions? No! The Crown might now and then throw a *Prime Minister* out to be torn in Pieces by the *mercenary Mob in Parliament*, at the Command of, and in order to give an Air of Popularity to the next that succeeded; but if no Minister is ever to be called to an Account, or punished by our *Parliament*, till he is given up by the Crown, *the People of Turkey have as just a Pretence to Liberty as the People of England could pretend to.*

This Sort of Government, the Royal Family, *when rightly informed*, can never desire to set up. It is against their Interest, it is inconsistent with their Safety; for I have, I think, demonstrated, That, in all Governments, it is the Interest of the chief Governor, to have some *legal* Method established, by which the People may testify their Discontents; by which they may call those

those to an Account who have given them just Cause of Offence. And as, by our Constitution, the King can never be made to answer for any Faults or Oppressions committed by those under him, even tho' committed by his express Order in Writing; therefore it can never be the Interest of the King, or consistent with the Safety of the Royal Family, to draw upon themselves the popular Resentment, by overturning, or endeavouring to overturn our Constitution.

But, with respect to our Ministers, and all in Power under the King, it is otherwise. They are all answerable, not only for their own Conduct, but, in many Cases, for the Conduct of those they employ. Nay, they are answerable for the King's Conduct, because they are bound, in Duty, to give him good and wholesome Advice: And if he enters into any Measures which are inconsistent with the Interest of the Nation, or if he attempts any Thing against the Constitution, and contrary to the Laws of the Kingdom, they must answer, and will certainly be punished for it, if our Constitution be preserved in its full Vigour. Considering, therefore, the Weakness of human Nature, considering how apt Men's Heads are to turn giddy with Power, and considering how ready most Men are to turn the Power and Favour of the Crown to to the Aggrandizing and Enriching their own Families, I believe, without pretending to the Gift of Prophecy, I may foretel, that we shall have, in future Times, as we have had in Times past, many Ministers, whose personal Safety will depend upon preventing any fair and impartial Enquiry into the Conduct of their Administration; and for this Purpose, they will certainly endeavour to overturn our Constitution, by having a Majority in one or both Houses of Parliament intirely under their Direction.

This Difference between the real Interest and Safety of the Royal Family, and the Interest and Safety of the King's Ministers, shews us how necessary it is to distinguish between that Power which is vested in the Crown, by the true and original Nature of our Constitution, and that Power which has since been vested in the Crown, either by Accident, or by the Art of Ministers. The first I shall call the ROYAL POWER of the Crown, the last I shall call, what it really is, the Ministerial Power of the Crown. From the ancient Histories and Law Books of this Kingdom, it appears, That the Power of the Crown did not formerly so much consist in the Naming of all the Officers employed in the Exercise of our Government, as in the commanding and directing them after they were named by the People; and this is certainly most agreeable to the true Spirit of our Constitution, which supposes that the King can do no Wrong, because, if his Orders be contrary to Law, the Officer to whom they are directed ought to inform him, and not only may, but ought to refuse to execute them; and if, in such a Case, he neglects to give the King proper Information, or if he executes any illegal Orders, it is not the King, but the Officer, who, by our Constitution,

does the Wrong, and he only is to be punished for it. The Intention of this Regulation certainly is, That it may not be in the Power of the King to do Wrong; That it may not be in his Power to get any illegal Orders executed: And this Intention will probably be effectual, where the Orders are issued by the Crown, and the Officers named by the People. *But when the Officers are named by the Crown, or rather by the Ministers of the Crown, is it not to be presumed, that such Men will be named, as may be fit for the Execution of any Ministerial Job?*

Moreover, our Kings are placed in a Situation so high, that they cannot be supposed to have a personal Acquaintance with any of their Subjects, but such as are in the most exalted Stations; and therefore it is impossible they can know who are the most proper Men to be named to any of those inferior Posts or Offices which are necessary for the Exercise of our Government. In this they must trust entirely to their Ministers; and therefore the Nomination to all such Posts and Offices cannot properly be called *Royal*, but *Ministerial Power*: And the creating or increasing of any such Power, is creating or increasing a Power, which, by the very Nature of it, must be generally employed against the Constitution of our Government, and the Liberties of the People. This our Ancestors were highly sensible of, and therefore the Nomination of the *chief Officers only* was left to the King, but the Nomination of all *Officers* of an *inferior Rank* was vested generally in the People. This Maxim we'll find was established, with some little Variations, in every Branch of our Government. In the ecclesiastical Part of our Government, the King named the Archbishops and Bishops, but the inferior Clergy were mostly named and presented to their Livings by the People, *that is*, by those of the People who had the Advowsons in them. In the Civil Part of our Government, the King named the chief Judges, but the inferior Judges, *viz.* the Sheriffs, who were likewise Military Officers, the Coroners, and the Conservators of the Peace, were all chosen by the People. And, in the Military Part of our Government, the chief Generals of our Armies were named by the King, but most of the inferior Officers were such as had their Commands from the Tenures they possessed, or such as were chosen by their respective Counties. And, with respect to the Navy, the King named the Admiral or Admirals, but the Captains of Ships, and all inferior Officers, were certainly named by the People, who, of old, always furnished such Ships of War as were at the Time necessary for the publick Service. As for *Toll-Masters* and *Tax-Gatherers*, we had neither *Tolls* nor *Taxes*, and therefore were not troubled with such *Vermin*, till the true Nature of our Constitution was forgot, or began to be not thoroughly understood; and therefore, when they were introduced, the Nomination of every Man of them was vested in the Crown. In it they continue to this Day; and, if no Alteration be made, *we may come to have the Heads of our Prime Ministers more taken up about the Nomination of*

mean Gagers and Tide-Waiters, in order to make the most of it, with respect to Elections, than about vindicating the Honour, or protecting the Trade of the Nation.

With respect to Pensions and Gratuities it is the same. Those which are granted to Men of eminent Rank, may be supposed to be the Effects of ROYAL BENIGNITY, and can never be granted but for eminent publick Services; so that the Considerations for which they are granted must be publickly known, and therefore it would be no Diminution of the *Royal Power*, to order them all to be publickly registred, under the Pain of High-Treason. But those little hidden Pensions or Gratuities which are paid to Persons of mean Rank, can but seldom be supposed to proceed from ROYAL BENIGNITY, but from *Ministerial Bribery*. Such are seldom granted for publick Services, and they may, very probably, be granted, in future Times, for securing to the Minister a *Corrupt Majority* in both Houses of Parliament; therefore it is absolutely necessary that all such should be publickly known, and the Considerations for granting them often enquired into; otherwise they may hereafter be granted in such a Manner, as to secure not only a *Ministerial Majority* in Parliament, but such a *Ministerial Party* in the Nation, as may make it *dangerous*, even for the Crown, to *dismiss the Minister from his Employments*.

My Readers will now, I hope, fully understand the Distinction I have made between the *Royal* and the *Ministerial Power* of the Crown. The first is coeval with, and a necessary Part of our Constitution; and, when it is not under *Ministerial Direction*, it cannot be supposed that it will be often turned towards the Overthrow of our Constitution. The last is the Produce of later Ages, and is of late Years grown to such a Height, that if any one Man should hereafter get the Direction both of the *Royal* and *Ministerial Power* of the Crown, and should turn both these Powers towards securing to himself a *Corrupt Slavish Majority* in both Houses of Parliament, I am afraid the *honest* and *free* Part of the People, tho' united to a Man against him, would find it impossible to exercise their Power, in the *legal* and *regular* Manner established by our Constitution, *with respect to the calling of him or any of his Tools to an Account, or punishing them for their Blunders or Oppressions*.

There are but two Ways of avoiding this Danger. The one is, to destroy or diminish that *Ministerial Power* which has been lately created. The other is, to prevent its being employed in securing to the Minister a *Corrupt Majority* in either House of Parliament. This last Method has been attempted by the several *Laws* lately made against *Bribery* and *Corruption*: But all such *Laws* will be found *ineffectual*; for, with respect to those who corrupt, it is not necessary for a Minister to tell a Man, in exprefs Terms, what Way he would have him to vote upon any Occasion. It is not necessary to promise him directly a Post, a Pension, or a Bribe, if he will vote for such a Candidate at an Election, or upon such a Side of

any Question in Parliament. Let the *Ministerial Will* but be revealed, and if he has a great many Favours to bestow, and a great deal of Money to give, all the Mercenary, the Covetous, and the Necessitous, will, of Course, go *blindly* to that Side of the Question; especially if it be *publicly known* that his Favours or Gratuities are dispersed only to those who, at Elections, or in Parliament, vote staunchly according to the Will which he is pleased to reveal. By this he will, upon all Occasions, make sure of a great Number of Men: And he may take such Ways to communicate his Will to the Publick, that it will be impossible to charge him, by any Law that is or can be made, with corrupting the Voters. His Footmen may communicate his Discourse at Table; his other Livery-Men, or Ribband-Men, may, upon all Occasions, give the Signal: Nay, the Pulpit may be wickedly made the Chancel for communicating and explaining his Will to the People: And the Prelates of our Church may become the Pole-Stars, by whom the mercenary Crew are to steer their Course to Ministerial Grace and Favour.

Then, as to the Corrupted. It must be granted that many, too many Men are prone to sacrifice the *publick Good* to any little present Appetite of *their own*. This is too much the Nature of Mankind; and it is impossible to alter their Nature by any Law, or by any Form of Government. All that can be done by the wisest Regulations, is to take Care that no Man shall have it in his Power to satisfy any private Appetite, by sacrificing the publick Good, without being exposed to great Danger of being immediately discovered and severely punished; but as it is impossible to discover the Motive of a Man's Voting, either at Elections or in Parliament, therefore no Man who sacrifices the *publick Good*, for the Satisfaction of a *private Appetite*, by voting from a *corrupt Motive*, either at Elections or in Parliament, can be under any Apprehensions of being either discovered or punished; and for this Reason we may depend on it, that this Crime will be committed, by all selfish and inconsiderate Men, as often as they have an Opportunity to vote according to the *private Directions* or *Insinuations* they receive from a Minister, who has a great many Favours to bestow, and a great deal of Money to give; by which the Crime may at last become so general, and so frequent, that even the Infamy attending it will lose its Effect: It may, like some other Crimes I could name, become so fashionable, that a Man will be looked on as an enthusiastical Madman, who neglects or refuses being guilty of it upon any Occasion.

From these Considerations, it must, I think, appear impossible to prevent the Influence of the *Ministerial Power* of the Crown in Parliament, by any Laws made, or that can be made, against *Bribery* and *Corruption*; And considering the great Additions lately made to the Civil List Revenue, the great Additions made to our Fleets and Armies, the great Increase of our Colonies in the *West-Indies*, and the many Taxes we have at present, with the Multitude of new Dependencies upon the Ministers

sters of the Crown, that have been thereby created ; I think it is also plain, that if the present *Ministerial Power* of the Crown should ever be turned towards procuring a *Corrupt Ministerial Majority* in Parliament, it would be of the most dangerous Consequence to our Constitution : *It is therefore become absolutely necessary to reduce our Government, as much as we can, to its first Principles, by destroying, or at least diminishing that Ministerial Power of the Crown, which has been lately created, which was far from being known to any of our Ancestors.* This is our only Road to *Salvation* : Every other Method is but *nibbling at the Bait* : If we have a mind to be *absolutely safe*, we must cut the *Line* upon which may hang the *gilded Hooks of Corruption*.

Tho' the Diminution of this *Ministerial Power* be the only effectual Method, and the Method we ought chiefly to aim at, for securing our Constitution against the fatal Effects of *Bribery and Corruption*, yet the other is not to be neglected ; and therefore, when any Discovery or Complaints are made, that this dangerous Crime has been perpetrated, whether by Ministers or by private Men, it certainly ought to be strictly enquired into, and severely punished. I know that, by many Gentlemen who have not thoroughly considered our Constitution, and the dangerous Effects of a *Ministerial Influence* upon the Election of the Sixteen Peers for Scotland, the late Complainr from thence is look'd upon with great Indifference. It is look'd on as a Dispute among the Peers of that Kingdom, which noway relates to us ; but I must beg such Gentlemen to consider, that while a Minister preserves the Favour of his Master, and engrosses perhaps a great Part of the *Royal*, as well as *Ministerial Power* of the Crown, he will always have many *Honours, Posts, Pensions, and Translations, Ecclesiastick, Civil and Military*, to bestow : By these he may (if any Minister should ever apply them that Way) secure the Vote of every mercenary mean Soul, who may hereafter have a Vote for Life in the House of Peers ; and if such Minister should obtain the absolute Direction of all the Elections of Peers for Scotland, so as that the Sixteen Peers for that Kingdom should always be such as could obtain or preserve their Seats in that House only by his Favour, must we not expect, that every one of them would sacrifice his Honour to the Preservation of that Favour ; and as they came there by his Direction, would, upon all Occasions, certainly give their Votes according to his Direction ? Is there not, then, great Reason to apprehend, that Sixteen *Ministerial Peers* from Scotland, added to the other *Ministerial Mercenaries* that may hereafter be in that House, would always make a Majority for the Minister for the Time being ? And if the Minister, for the Time being, should be always secure of a Majority in the House of Peers, how would it be possible for the People to make any legal and effectual Use of that Power, in the Exercise of which I have shown,

that

that the Freedom of a Government, or the Liberties of the People, can only consist? The House of Commons might impeach, but would such a Majority condemn? The House of Commons might pass Bills of Pains and Penalties, but would such a Majority concur? It is not to be presumed: And therefore, it is certain, that the Liberties of this Nation would be in the utmost Danger, if ever the Elections of the Sixteen Peers for Scotland should come to be absolutely under Ministerial Direction.

But suppose it were otherwise: Suppose the Liberties of England noway depended on the Fate of any Election in Scotland; yet, in the last Election of Peers for that Kingdom, we have a particular Concern: We ought to consider, that at least seven of those who represented the Peerage of Scotland in last Parliament, appeared strenuously in Opposition to a Scheme, by which the Coup de Grace was to have been given to the Liberties of England: We ought to consider, that not one of the seven was chosen for this Parliament; and that three of the seven signed the PETITION presented last Session to the House of Peers; from whence we may conclude, that if any undue Methods, or illegal Practices, were at last Election set on Foot, it was against them they were all directed: By being strenuous Assertors of the Liberties of England, they have suffered; therefore, in Generosity, in Honour, in Gratitude, we ought to make their Cause our own.

As we have then a double Concern in the last Election of the Sixteen Peers for Scotland, we are under a double Obligation to examine into the Complaint exhibited last Session of Parliament against the undue Methods and illegal Practices made use of at that Election; and if there appears to be any good Grounds to suspect that such Practices were really made Use of, we are, in Honour, in Duty to our Country, and in Gratitude to our Friends, obliged to have them regularly enquired into, the Guilty severely punished, and some Regulations made for preventing the like in Time to come. The Grounds of Suspicion must, in this Case, be founded upon the Nature of the Thing in general: Upon the Character and Credit of the Complainants, or Informants: Or upon the Practices themselves, and those Proofs and Testimonies of them, which may be had without any legal Enquiry or Compulsion.

But before I proceed to examine the Grounds of Suspicion in the Case now before me, give me Leave to suppose a Case, which I am far from thinking to be the Case at present: However, I may suppose, that a Man of mean Birth and Education, may, in some future Reign, by vile Arts, and worse Practices, get the entire Management of the Sovereign: That, by so doing, he may have ingrossed both the Royal and Ministerial Power of the Crown, and the whole and sole Direction of our publick Affairs, both foreign and domestick: That he may be one who has continued in this for many Years, and has diverted or withdrawn the Sovereign's

reign's Ear from every Man of Sense in the Kingdom: That he may have made up for himself a motley Faction, a Faction composed of *Whigs who have betrayed and deserted their Principles of Liberty*, and of *Jacobites who have betrayed and deserted their Principles of Loyalty*: That he may have put a *Jack* of his own into every Office, a Tool fit for his Purposes, and ready to obey his Commands, and every Man dismissed from the Office, who refused or neglected to pay a fawning Submission to this *Ministerial Tool*: That, by this Management, he may have got into his own Hands the sole Disposal of the Posts and Places, not only of his own particular Office, but of every Office in *England*: That, by Means of his Ignorance and Incapacity in the conducting of grand Affairs, or perhaps by more wicked Means, the Nation may have become the Scoff and the Ridicule of all its Neighbours; That our Trade may have been interrupted, our Merchants insulted and plundered, and our publick Money misapplied, or squandered away in ridiculous Expeditions and fruitless Negotiations: That most remarkable Opportunities for doing Justice to our injured Subjects, and for vindicating the Honour, and establishing the Trade of the Nation, may have been neglected, or, by ridiculous Measures, turned to our Disadvantage: *In short, that we may be at last brought into such a dismal State, that we can neither, with Safety or Honour, continue in Peace, nor put ourselves into any tolerable Condition for entering into a War.*

The Nation being in such Circumstances, suppose a new Parliament is to be chosen, Would not such a Minister have Reason to dread that the People would return such a Set of *Representatives* as would certainly *impeach* him? Would he not have some Reason to doubt the Success of all the Arts he could use for *corrupting* or *commanding* the Elections of the *Commons*? And, in that Case, in order to prevent the Effect of any *Impeachment*, would he not by all Means endeavour to secure a *Majority* of the *House of Lords*? This he certainly would; and, as we suppose him to have the whole and sole dispensing of the *Royal*, as well as *Ministerial Power* of the Crown, he would certainly make Use of both for this Purpose. As the *Nobility* of *Scotland* have, many of them, the Misfortune to have but small Estates, it is well known that many, I may say most of them, have Posts or Pensions at the Pleasure of the Crown, upon which Posts and Pensions the chief Part of their Subsistence depends. Must not we then conclude, that such a Minister would be sure to direct his Batteries against this *weak Side* of our *Constitution*, in order to induce or *compel* the *Peers* of *Scotland* to chuse any *Sixteen* he should *name*? For this Purpose the Disposal of many Posts and Offices, particularly in *Scotland*, would be put off till about the Time of the Elections coming on, in order to have, at that critical Juncture, the more *Favours*, or rather the more *Bribes*, to bestow: Many Months before the Election, he would take Care to make up a List of *Sixteen* Peers to be chosen;

sen: Agents and Tools would be dispatched to Scotland with Copies of this List, to tell the Peers residing in that Kingdom, *It was the List made up by the King and his Ministers*; and that, if they did not vote for it, they must expect the worst Effects of his Majesty's Resentment and Indignation; but if they voted for it, they would talk of them in the most favourable Manner to the King, and they might depend upon having whatever Favours they desired from the Crown, either for themselves or their Relations. Those Agents would, without Doubt, be likewise provided with Sums of ready Money, wherewithal to bribe the Coverous and Necessitous, and with Power to promise Pensions in Time to come. *Thus would the People's Money be employed against the People's Liberties; and that which is given for supporting the Honour and Dignity of the Crown, applied to the Dishonour and the Disgrace of the Nation.*

Such a Case is far from being applicable to the present Times. His Majesty's Wisdom and Prudence makes it impossible for us to apprehend any such Case during his Reign; but, to the Misfortune of his People, he is not immortal, *his natural Life must come to an End, tho' his Fame and his Glory never can*; therefore we do not know what may happen in future Times: And would it not be a terrible Misfortune to this Nation, if such a Minister should have any Thing like a Precedent for such Practices? I say, any Thing like a Precedent; for if any Thing like unto this appears in the Story of the late Election, we must suppose they were all Pretences, forged and set up by a Parcel of low insignificant Men, for their own private Ends: We cannot suppose that his Majesty, or any of his chief Ministers, would be concerned in such wicked Practices; but if any such Pretences were actually set up, if any such Practices were really made Use of, the Contrivers and Abettors, let them be who they will, ought to be punished in the most rigorous Manner our Laws will permit; *not only for making such a false and traitterous Use of the Name of his Majesty and his Ministers, but for attempting to impose upon the Peerage of Scotland, and endeavouring to introduce among them a mean and venal Spirit, in an Affair in which they ought to be influenced by nothing but Honour and publick Good.*

But now, to return to my Subject, and to consider what Grounds we have to suspect, that some *illegal Practices* were made Use of at the last Election of Peers for Scotland: If we consider these Grounds, *with respect to the Nature of the Thing in general*, it must be granted, that nothing but the Trust we may with Confidence repose in his Majesty's Wisdom and Penetration, *and the thorough Knowledge we have of the Innocence of those chiefly employ'd by him*, can prevent every Man's having a strong Suspicion that such Practices were made Use of at the last Election; that such Practices have been made Use of at all Elections in Time past; and that such Practices will be made

Use

Use of at all Elections in Time to come. Let any Man make the Case his own: Let him suppose himself a Minister: Would not he give any Place or Pension he had at his Disposal, rather to a Man who votes, at any Election, for his Friend, than to one that votes against him? Nay, if he could with any Safety, would he not insinuate so much, either by himself, or some of his Agents? I acknowledge, that such Things ought not to be done: *The Favours of the Publick ought never to be made to interfere with Elections; nor ought they to be bestowed in Reward of private Services:* But such is the Nature of Mankind: We cannot, at least we seldom do, distinguish between the Publick and the Private: Even the most prudent and upright Minister is apt to imagine, that those who oppose him, especially in Elections, are no Friends to the Publick, and that therefore they deserve none of the Publick Favours: This wrong Judgment it is impossible to prevent; and therefore there are, from the Nature of the Thing in general, most solid Grounds for suspecting, that some *illegal Practices* may have been made Use of at the last Election.

With respect to the Character and Credit of the Complainants or Informants, every Man who has the Honour to know them, every Man who has heard of them, must agree, that the utmost Regard ought to be had to what they declare. They are all Persons of as great and noble Families as any in *Britain*, they are all known to be Noblemen of great Honour, and therefore their Veracity is not to be doubted: They have declared, that they know, from such Testimonies as they can depend on, that some *Practices* were made Use of, which they thought *illegal and dangerous*. What are we then to doubt of? Are we to doubt of their Judgment, by imagining that the Testimonies are such as cannot be depended on; or that they are mistaken in their Opinion about the Practices made Use of? Their known good Sense forbids it. They are all Noblemen of great Abilities; two of them have had the Honour to serve the Crown in most difficult Negotiations; in Negotiations which required the greatest Capacity, and the most consummate Knowledge of Mankind: One of the Two is known to have as thorough a Knowledge of our Laws, as any Nobleman in the Kingdom, and the other was employed at a Court, where the utmost Address is at all Times required, and, at a Time when the Preservation of our present happy Establishment depended much upon the managing of that Court: With how much Dexterity, and with what Success he acquitted himself, is well known, and must, by the Royal Family, as well as by the Nation, be for ever acknowledged: *Can we then doubt of the Force of those Testimonies upon which they depend? Can we doubt of the Illegality or the Danger of those Practices which they represent as such?*

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I now come to the *Practices themselves, and the Proofs or Testimonies of those Practices, which have fallen accidentally into my Hands*; and from thence I shall make it appear, I think, as evident as the Sun at Noon-Day, that there are very strong Proofs, That, at the Time of the last Election, there was a Set of Men, *a Set of Traitors I may justly call them*, who went about in Scotland defaming his Majesty and his Ministers, by pretending, that they had a Power to promise *royal Rewards and Pensions*, to such Lords as would vote for a List, which they had the Insolence to call *the King's List*: Nay, further, that they offered and actually gave Money to some, which was certainly the Money of private Men, but they had the Audacity to call it *the King's Money*. I know, that many of the Testimonies the noble Petitioners had to depend on, are not fallen into my Hands, but such as I have come at, and durst presume to make publick, I have published in the *Appendix*, and shall refer to them as Occasion requires.

The particular Instances of illegal Practices set forth by the Petitioners, in their Answer or Return to the Order of the House of Peers, of the 21st of *February* last, are as follows, *viz.*

I. " That the List of Sixteen Peers for *Scotland*, was shewn to Peers, as a List approved of by the Crown, and was called *the King's List*, of which there was to be no Variation, unless to make Room for one or two particular Peers, *on Condition they should go along with the Measure*.

II. " That Endeavours were used to engage Peers to vote for the List, without the Liberty of making any Alteration, by Promises of Pensions and Offices, Civil and Military, to themselves and near Relations, and by actual Promises and Offers of Sums of Money.

III. " That Sums of Money were actually given to, or for the Use of some Peers, to engage them to concur in the voting this List.

IV. " That annual Pensions were promised to be paid to Peers, if they concurred in the voting this List; some of them to be on a regular Establishment, and others to be paid without any Establishment at all.

V. " That, about the Time of this Election, Numbers of Pensions, Offices, (of which several are nominal) and Releases of Debts owing to the Crown, were granted to Peers, who concurred in voting this List, and to their near Relations.

VI. " That, on the Day of Election, a Battallion of his Majesty's Forces was drawn up in the *Abbey-Court* at *Edinburgh*, and three Companies of it were marched from *Leith*, a Place at one Mile's Distance, to join the rest of the Battallion; and kept under Arms, from Nine in the Morning till Nine at Night, when the Election was ended, contrary to Custom

“ Custom at Elections, and without any Cause or Occasion;
 “ that the Petitioners could foresee, other than the over-awing
 “ of the Election.

I am sure it will be granted, that every one of these Facts is illegal, and a high Encroachment upon the Freedom of Election; therefore I shall not detain my Readers with any Remarks upon that Head, but proceed directly to the Consideration of those Proofs or Testimonies which have fallen into my Hands, in order to see whether they are such as may give a Man, who is *jealous* of the *Honour of the Peerage*, and the *Liberties* of his Country, any Ground to suspect, that some such Practices were really made Use of.

As to the First then, That a List of Peers, to be chosen at the next Election, was shewn to some Peers, and was called *the King's List*, or the Ministerial List, appears by the Testimony of the of who expressly says, *That Mr.*

(a Gentleman in a Post of high Trust in Scotland) *told him, in August 1733. that he hoped he, the of would find it his Interest to concur with such a List of Sixteen*

as would be concerted and offered by the Ministry *. This Testimony is confirmed by the who says, *That the of (a N---leman greatly concerned in*

the Administration of the Affairs of Scotland) in August 1733. pulled out a Pocket-Book, saying to him, I'll shew you the List of Sixteen to be chosen at the ensuing Election, as it was given in to the King before I left London; and which his Majesty and his Servants have approved of †. And further, the says, *That the of told him, I have made Mr.*

a Lord of Session, to bring in his Brother to vote the King's List, I shewed to you, of the Sixteen for Scotland, at the next Election for a new Parliament ‡. And that, upon another Occasion, *The said of pressed him to be present at the Election of a then ensuing, because it would be obliging to the King, who, says he, takes Notice of every Thing of that Kind, and who appears at Elections* *. And at another Meeting, the said of told him, *That he, the*

had formerly shewn himself in the Interest of the King and his Servants, and therefore he could not doubt of his going into the Measures of the King and Ministry, at the next Election of Sixteen for Scotland, and vote the King's List †. The Testimony of these N---

is confirmed by the Testimony of Two other N---le ‡, whose Evidence, tho' they declare only what they heard, must be admitted a strong Confirmation of the former; especially when we consider, that Hear-say-Evidence, with some other circumstantial Proofs, and with-

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* See Appendix, Numb. 1st. Line 9. † See ditto, Numb. 2d. L. 37.

‡ See ditto, Numb. 2d. L. 22d. * See ditto, Numb. 2d. L. 146. † See ditto, Numb. 2d. L. 146. ‡ See ditto, Numb. 4th, 5th.

put one direct positive Witness swearing upon his own Knowledge, was admitted, not many Years since, as a convincing Proof, by both Houses of Parliament.

The 2d, 3d and 4th Articles of the Charge, are only different Circumstances of the same Crime, viz. that of promising or giving publick or private Rewards, in order to influence the Votes of the of *Scotland* at the Election. This Crime is directly and very expressly proved, by the Evidence of the above mentioned of who declares, *That Mr. told him, that if he would give his Promise to concur with the List he had mentioned, (the Ministerial List) he was ready to give him 400 L. ready Money, with Assurance of a yearly Pension of 400 L. ** And it is likewise proved, by the Evidence of the said from the whole Tenor, of whose Testimony it plainly appears, that he was to have had 200 L. a Year added to his Pension, and a Majority of Dragoons, on Condition he would vote for the King's, or Ministerial List, as it was called: And that this was the only Condition, is since become still more evident, because he has got no Addition to his Pension, nor a Majority of Dragoons, tho' the Zeal he testified, at that Time, for the King's Service, and for the Honour of his Country, gave him some Title to the former, and his long and faithful Service in the Army, gives him not only a Title, but a just Claim to the latter: But so far, it seems, are such Services from being thought worthy of royal Favour, by some Men in *Scotland*, that even the small Favour of an Ensign's Commission, bestowed upon his Son, is said to be a Favour thrown away †, because he would not vote the Ministerial List; as if the betraying one's Country at Elections, or in Parliament, were the only Services, and the only Merit, by which a Man could expect any Preferment in the Army: Tho' this be not the Case at present, yet it may hereafter happen to be the Case; and therefore deserves the particular Notice of all Gentlemen, who now have, or may hereafter have Commissions in our Fleets or our Armies.

The Evidence of these two N--le is confirmed by the Evidence of Mr. who says, *That he having complained to the of that the of had, at every Election since 1718. voted the Court-List of and on that Account had every Time been promised a Pension of 200 L. yet he had never received any Money, but one single 100 L. he was answered, by the of That Promises of Pensions formerly had not been performed, but that his Majesty was slow in Promising, but punctual in Payment; that he had represented the of past Services, and that his Pension was settled, and would be regularly paid ‡.* This Complaint and Answer, taken together, is a direct Insinuation, that the Pension then or before promised to the of was on Account of his

* See Appendix, Numb. 1st. L. 14th.

† See *ditto*, Numb. 2d. L. 242.

‡ See *ditto*, Numb. 3. L. 43.

his voting the Court-List, or what was called the *King's or Ministerial-List at last Election*; and that the *of Scotland* are wickedly made to believe, that the only Service, by which they can propose to get any Share of the royal Bounty, is to vote according to Ministerial Directions at all Elections. *Can there be any Thing more injurious to the sacred Character of Majesty? Can there be any Thing more destructive of the Freedom and Independency of Parliament?*

These three Evidences, who all testify upon their own proper Knowledge, are enforced by the Evidence of two other N---le who declare, That what they give an Account of, they had from the very Persons who got Money and Posts by voting for the Ministerial List *; so that if any Enquiry be made into this Affair, these very Persons might be examined, and certainly would be obliged to give a full Account of the Influence they were under when they voted for that List.

The 5th Article does not require any parole Evidence, because it may be proved by publick Records; and, among the Papers I have, there is one who contains a List of no less than *fifteen Scotch* who got Post, Pension, or Release of Debt from the Crown, about the Time of the last Election, as may be proved by the publick Records of one or other of the two united Kingdoms: This List I have examined into, with all possible Care and Industry, and am convinced not only of the Truth of what is there represented, but that most of the *fifteen* there mentioned, are such as would have voted for some of the unsuccessful Candidates at the last Election, if they had been left to their own free Choice; that is to say, I must believe they would have voted for some of the unsuccessful Candidates, if I can judge of a Man's Way of voting from Blood-Relation, intimate Acquaintance, and great Favours bestowed, all centring in the Person of one Candidate, in Competition with another Candidate, who has not one of these Arguments, who has not so much as a personal Acquaintance to plead in his own Behalf.

The Records of both Kingdoms may be easily come at by either Houses of Parliament; and if from them it should appear, that a great Number of Pensions, Offices, and Releases of Debts, were granted away in the Year of the last Election in *Scotland*, than in any Two since the preceeding Election, and that few or none of these Favours were granted, but to such as *voted plumb* for what was called the *King's or the Ministerial List*, it would be a strong Presumption against the Freedom of last Election; and that the *dispensing of royal Favours, at least in Scotland, is in very wicked Hands*. But, of all Things, I am surprised to hear of Releases of Debts due to the Crown being given for any Consideration, except that of paying the full Sum due:

* See Appendix, Numb. 4th, 5th.

due: This the Gentlemen of the House of Commons are, in a particular Manner, bound to enquire into; because, as the People are obliged to support the Honour and Dignity of the Crown, their Representatives have a Right, and are in Duty bound to enquire into all Grants made out of the Estate of the Crown, and to prosecute those who shall advise the making of any such Grants without a just Consideration, more especially those who shall advise making of such Grants, *for a dangerous and wicked Consideration.*

The 6th Article contains a Fact which must have been publicly known; but, in a Paper I found among the rest, there are some other Circumstances added. This Paper says, That it could have been proved, that the Soldiers of that Battallion had all their Cartridge-Boxes filled, and Ammunition distributed to them the Night before, as if they had been to go upon Action the next Day: That, during the whole Day of Election, there was a Serjeant in Disguise, appointed to attend upon some Persons who were at the Election, to receive their Orders, and carry them to the commanding Officer of the Regiment: And that the Drums were placed privately at proper Distances, between the Place of Election and the Place where the Battallion was drawn up, to beat an Alarm upon the first Notice from this Serjeant.

I know, that, by Way of Excuse for all this, it may be pretended, That some Mob or Riot was apprehended: But I likewise know, that this Pretence of Danger from Mobs and Riots has been made Use of in all Countries, for overturning the Liberties and Privileges of the People. Under this Pretence, an Aristocracy, instead of a Democracy, has been introduced in Holland. Under this Pretence, the Choice of our Sheriffs was taken from the People, and placed in the Crown: And I do not know, but, some Time or other, this Pretence may be made Use of for disposing of the Choice of our Members of Parliament in the same Manner. Indeed, I must say, it would be better to have that Choice placed in the Crown by Law, than to have it placed there by Corruption. But, if there was really any just Apprehensions of a Mob, it is the strongest Argument that can be advanced for a Parliamentary Enquiry into that Election; for there never was a Mob in any Country, without a Supposition, at least, of Mal-Practices or Oppressions committed, or intended, by the Magistrates or Governors. If the Governors in Scotland were guilty of any such, they ought to be punished; and, if they were misrepresented, and the People misled, those who did so ought to be punished; and, if there was no just Apprehensions of a Mob, those who gave such Orders to that Regiment ought to be punished: So that, let us take it what Way we will, there must have been illegal Practices, at last Election, either of one Side or the other.

I have now gone through the several Articles of Complaint exhibited last Session of Parliament, and have, in a short Method, applied

plied, to each Article, such Proofs and Testimonies as have come to my Hands : But I must beg of my Readers to consider, how difficult it is, in such Cases, to get any plain and direct Proof. When Men deal in treasonable Practices, they are extremely cautious, both with respect to the Persons they converse with upon such Subjects, and the Manner in which they express themselves. They address every Man, at first, with general Discourses, and with dubious and dark Sentences : They never talk plainly or distinctly, till they imagine they are sure of the Man whose Honour or Loyalty they attack : And, after a Man is deeply and thoroughly engaged in the Treason, it is not an easy Matter to get any Information from him. For my Part, I am surpris'd how Men could talk so clearly and so openly about Matters of such a criminal Nature. It is, with me, a convincing Argument, that the Crime is of an old Standing, and that it has been so often committed with Impunity in *Scotland*, that Men are neither ashamed nor afraid to repeat it. I really believe, that Corruption, like Adultery, begins to be thought no dishonourable Action : For, I am sure, if it were attended with that Reproach it deserves, no Man would be so bare-faced, as to propose openly, *To make the most of his Proxy* *, or to own publicly, *That, for the Good of his Family, he had betrayed, he had sold his Country* †. But I am still more surpris'd, how they came to talk so freely to the of or the who, as I am well inform'd, are both such as have been always reputed Men of the strictest Honour, and most disinterested Attachment to their King and Country. This I can no otherwise account for, than by imagining, that, like abandoned old Letchers, they have a partiular *Gusto* in *debauching* every Person that has the *Character* of *Virtue*.

My Readers are further to consider, that the NOBLE LORDS PETITIONERS may have had many Proofs, many Testimonies, which I could not come at. They were themselves Candidates at the last Election, and as many of their Relations and most intimate Friends voted against them, and in favour of other to whom they were no Way related, from whom they had never received any Benefit, with whom they had never perhaps conversed, we may suppose, that many of those whose Behaviour was so very odd, gave the Petitioners the true Reason for that Behaviour. This the Petitioners could give no Account of, without stating themselves as Witnesses ; nay, they were not proper Witnesses ; the only proper Witnesses were the who had given them the true Reason of their odd Behaviour at that Election. And, if either House should enter upon an Enquiry into this Affair, it is to be hoped, every Man, who has the Honour or Safety of his Country sincerely at Heart, will give all the Information he can, both as to Facts, and as to the Witnesses proper to be examined ; for, upon this Occasion, let me repeat the Words of that noble Peer, and great
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* See Appendix, No. 3. L. 124.

† See ditto, No. 4.

Philosopher, the late Earl of *Shaftsbury*, viz. *I know nothing greater or nobler, than the undertaking and managing some important Accusation; by which some high Criminal of State, or some formed Body of Conspirators against the Publick, may be arraigned and brought to Punishment, through the honest Zeal and publick Affection of a private Man.*

I think I may now, with Assurance, appeal to the Honour, to the Conscience, not only of those who are jealous of their Country's Liberty, but to every Man in the Kingdom, if there are not sufficient Grounds to suspect, that some very *illegal and dangerous Practices* were made Use of at the *last Election* of *for Scotland*. Let him consider the Grounds of Suspicion, with respect to the Nature of the Thing in general: Let him consider the Grounds of Suspicion, with respect to the Character and Credit of the Complainants or Informants: Let him consider the Grounds of Suspicion, with respect even to those Proofs and Testimonies which I have been able to communicate; and then let him deny, upon Honour, (if he has any) his being convinced, that there are strong Reasons to suspect, that, by some Cabal or other, both his Majesty's Name, and the Name of his Ministers, were made Use of, and Promises of Royal Favours and Royal Bounties pretended to be made: Nay, the Royal Treasure pretended to be given, in order to *bribe and corrupt the* *of Scotland* at the *last Election*. If any such Practices were really made Use of, we are most certainly to conclude, that the Persons who had made Use of such, had no Authority for so doing, either from his Majesty, or from any of his chief Ministers. Some who have, at present, great Posts under the Government, may, perhaps, have been concerned in this Cabal; but this can no Way make it the Act of the Government: It must be a meer Contrivance of that Cabal, in order to impose, both upon the *of Scotland*, and upon the King. Upon the *of Scotland* they have endeavoured to impose, by attempting to make them believe, that they are the only Dispensers of Royal Favours, in order to prevail with those *to chuse such as they should name, for representing the* *of Scotland* in the *Parliament of Great Britain*: And they will certainly endeavour next to impose upon the King, by telling him and his Ministers, that that Choice proceeded entirely from the *great natural Interest* they have among the *of that Kingdom*.

I shall, in the last Place, consider the Consequences of those Practices, first, with regard to the Honour and Safety of the King and the Royal Family; and, next, with regard to the Liberties, the Lives, and the Properties of the Subject: With regard to the King, with regard to his present most sacred Majesty, it is the highest Affront, the greatest Indignity that can be offered, to make Use of his Name for such a vile and wicked Purpose, as that of *influencing any Election by Bribery and Corruption*. It is very well known, that his Majesty is, and desires

to be the Protector and the Avenger of his People, against domestick Foes, as well as foreign Enemies; and he knows he cannot long continue so, without leaving his Subjects to their *free Choice in all Elections*: He will protect his Ministers against Faction, but he will never attempt to use any Methods for protecting them against the *just and legal* Resentments of the People. Such Attempts can never be made by the Sovereign, they must proceed from the Ministers only; and, whenever any such are made, the Ministers and their Supporters are the only *factious* Men in the Nation: They are the *Faction* that unite together against the *Constitution* and the *Laws* of their Country; and his present Majesty's Wisdom and Goodness is such, that, we may depend on it, he will never set himself at the Head of any *Ministerial Faction*: Yet this is what those *Dealers in Corruption* endeavoured to instill into the Minds of the *Peers* and People of *Scotland*: They endeavoured to make them believe, that Royal Bounties and Rewards were not to be bestowed for publick Services, nor to be earned by a prudent and an active Zeal for the Honour of the King, and the Interest of their Country; but by sacrificing both to the illegal and unjust Commands of what, in their Sense, must be called a *Ministerial Faction*. Thus did they endeavour, as much as in them lay, to alienate the Minds of the *Peers* of *Scotland* from his Majesty, by perswading them, that his Majesty was resolved to be the *Father* of his *Ministers*, and the *Master* of his *People*; instead of being, what he really is, the *Father* of his *People*, and the *Master* of his *Ministers* or *Servants*:

Is there any Man, in either House of Parliament, who has an *extraordinary* Regard and Esteem for his Majesty? Is there any Man in the Kingdom, who has any *particular* and *personal* Obligations to him? If there is, and surely there are a great many, they are the Men who ought, who are, in *Honour* bound to appear *the first* in vindicating his Majesty's Name from this *vile Aspersions*.

As I shall immediately shew, that these Practices (tho' now made Use of by a Cabal of Private Men) tend directly to the Overthrow of our Constitution, by rendring ineffectual the *legal Method established for the People's calling their Governors to an Account, and punishing them for their Misdemeanours*; the Consequences, if not prevented, may prove fatal to the *Royal Family*, and to the *Protestant Religion*, not only in this Kingdom, but in all Parts of *Europe*. I have before shewn, that in all absolute Monarchies, the King and the *Royal Family* often suffer for the Crimes and Misconduct of their Ministers and Servants. This is a Misfortune can never happen in this Kingdom, while the *True Life and Spirit* of our Constitution is preserved: *No King ever suffered in England, unless he made the Crimes of his Ministers his own, by endeavouring to screen them from the Resentments of the Injured People*: But if any future wicked Minister

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should get the absolute Dominion of his Sovereign, and, prompted by this Precedent, should apply all the Honours, Posts, Pensions and Rewards, now in the sole Disposal of the Crown, towards securing to himself a *Corrupt Majority* in both Houses of Parliament, he might probably succeed in such a Design, *if the Practices, now complain'd of, should be overlook'd*; and if he did, our Constitution would, from that Moment, be at an End, our *FREE Government* would become an *absolute Monarchy*, a *Slavish Government*, and not only a *Slavish Government*, but such a one as must destroy the Religion and Morality, as well as the Liberty of the People: Our People would certainly murmur and complain, those Murmurs and Complaints would be disregarded, would be despised by those that were the Authors of them; they might be smothered for a Time, but the Fire would at last break forth with Fury, and the Sovereign, who was, perhaps, till then, quite ignorant of them, as well as quite innocent of their Causes, would, with his Ministers, be involved and consumed in the Flame.

Let us consider that, *to our Misfortune*, the present *Royal Family* has a Rival, yea, many Rivals for the Throne, and that all of them are Enemies to the Religion we profess. The Rivals to our present happy Establishment have always endeavoured to support their Claim by the ridiculous Principles of Passive Obedience and Non-Resistance, and the more ridiculous Principles of Religion professed by the Papists. The Right of our present *Royal Family* is founded upon the Divine Principles of Liberty, and the more Divine Principles of Religion professed by the Reformed, especially by those of the Church of *England*. If the Freedom of our Government be, under any Mask or Disguise, destroyed, we remove the chief Corner Stone upon which the Right of the Royal Family is supported: *We may talk of governing according to Law, of doing nothing but by the Advice and with the Approbation of Parliament; but if our Parliament, by Means of a Corrupt Influence, should come to be entirely under Ministerial Direction, the People will soon become sensible of their Loss of Liberty*: Ministerial Tools may amuse themselves, and may endeavour to amuse the World with Names, instead of Things, but the People will soon see through the thin Cobweb. This will create a general Discontent; and every Man knows, that a *distant Ill* is like a *distant Good*: We look on that which is *near*, with the *right End* of the Prospect; but, to view that which is at a *Distance*, we turn the *other End*: This will, of Course, make the Generality of those, *who do not reap the immediate Fruits of Corruption*, turn their Eyes towards the Rivals of our present happy Establishment, and the *present Ills* the People are sensible of, will diminish, nay, almost annihilate the Dangers that are from those Rivals *most justly* to be apprehended.

But this is not all the Danger: If a *Slavish Government* should ever be established in this Country, and supported by a *Corrupt Parlia-*

Parliament, as Churchmen are but Men, we may expect that the Generality of them, Presbyterian, as well as Episcopal, High-Church, as well as Low, Preachers of all Sects and Denominations, will sink into the Depravity of the Times, and become the Tools of Power, and the Instruments of Corruption. We shall have our Bishops preaching every Sunday, perhaps writing Pastoral Letters, against the Infidelity and Immorality of the Times, and, all the other Days of the Week, *sacrificing the Rights of their Country, and haranguing in Favour of Corruption*: We shall have the Presbyterian Ministers preaching long-winded Sermons against the Roman Catholicks; and, with the same Breath, *for the Sake of a private Pension*, making fulsome Compliments to the Oppressors of their Country, and assisting them at all their Elections: This will give the Generality of the People, especially the Ignorant and Vulgar, who commonly judge of a Religion by the Practice of its Professors, a Dislike, a Distaste to every Religion now publicly professed in *England*. In such Circumstances, I should not wonder to see Infidelity prevail among our Gentry; I should not wonder to see Popery making long Strides towards perverting the Vulgar: *Example will go always further than Precept*, and as Popish Priests can have no Hand in our Government, nor any Concern in our Elections, they would be the only Set of Priests among us, who could retain any general Character of Honour, Virtue or Religion. Thus, by destroying the Respect our People have for the Reformed Religion, we should remove the other Corner Stone upon which the Right of the present Royal Family is founded; and, by reconciling the Vulgar to the Roman Catholick Religion, we should remove their Horror at the Name of a Pretender: This might at last produce a fatal Revolution in our Religion, as well as our Government; and if the Papal Power should once be fully re-established, in *Britain*, the next Age would probably see a Court of Inquisition set up in every Country of *Europe*.

Now, with respect to the *Liberties*, the *Lives* and the *Properties* of the Subject. It must be allowed, that the Practices, said to have been lately made Use of in *Scotland*, tho' carried on by a Cabal of private Men, evidently tend to debase and corrupt the Minds and the Spirits of the Nobles of that Kingdom, and to render them fit Tools for any future wicked Minister, that may attempt to overturn the Liberties of his Country. These Practices will chalk out to him the Method, by which he may secure to himself Sixteen sure Votes in the House of Lords upon all Occasions; and if these Practices pass unpunished, it will encourage him to repeat them, and to make Use of those Means for Screening himself from the legal Vengeance of the People, which a Cabal of private Men had before, with Success, made Use of for imposing upon their Sovereign. If, by such Practices, the Election of the Sixteen Peers of *Scotland*

and should at last come to be entirely under *Ministerial Direction*, we may then easily judge, that those Qualifications, which ought to entitle a Lord of *Scotland* to be one of the Sixteen, will, for ever, be an absolute Bar to his being chosen. A Character of Honour and Integrity, a disinterested Love for his Country, a thorough Knowledge of Mankind, and a Capacity fit for conducting the most difficult, the most intricate Affairs of State, as they will always make him despise being the *Slavish Tool* of an *Upstart Over-bearing Minister*, must of Course make such a Minister resolve, at all Elections, to give him the Exclusion. During the Reign of such a Minister, if any Lord of *Scotland* has an Inclination to be one of the Sixteen, he must first take Care to forfeit all Regard and Esteem in his Country; he must learn to cringe and bow at the Levees, and to make himself very familiar with the Footmen of the Great Man; or he must make himself the Buffoon of the Court, and the common But of the Maids of Honour: By such Noble Qualifications, the Minister will be convinced, that he can have nothing but his Favour to depend on for the Continuance of his Seat in the House of Lords, and that therefore he must, upon all Occasions, behave in the Seat according to the Directions he receives from him.

Whether such a Set of Peers from *Scotland* could add to the Honour or the Dignity of the House of Peers, I leave to those who now render their Country happy and secure, by their having Seats in that House, to determine. In this they have a particular Concern; but in this every Subject has likewise a Concern: For it has been the constant Maxim of all those who have overturned the Liberties of their Country, *To make the Nobles as contemptible as possible*. It was for this Purpose, among others, that *Julius* and *Augustus Cesar* made such large Additions to the *Roman Senate*: And it is reported, that *Cardinal Richieu*, upon a certain Occasion, said, He was resolved to make the Title of *Duke and Peer of France* so contemptible, *That it should be a Scandal to be, and a Scandal not to be, a Duke and Peer of that Kingdom*. By which he meant, That he would raise such Scoundrels to that high Degree of Nobility, as should render it contemptible; and he would set it up so often to Sale, and at so low a Price, that it should be a Sign of great Poverty, in a Man of any Family, not to make the Purchase.

Upon this Occasion, I must again beg, that Gentlemen would consider what a *Weight of Power* is already in the Crown, what a great Addition has of late Years been made to the *Ministerial Power* of the Crown, and what an Influence this may give to any *Prime Minister*, (who has a Mind to make Use of his Power for that wicked Purpose) over a great many even of those who may hereafter have hereditary Seats, or Seats for Life in the House of Peers. By this it is certain a wicked Minister may, in future Times, have the Command of a great Number of Votes in that House; and if to these he can add *Sixteen Tenants at Will*, sixteen sure Votes from *Scotland*, it is more than probable, it may at last come to be in the Power of every

every Minister to secure to himself a Majority of that House, upon all Occasions, and for the worst of Purposes : For Corruption is one of the most infectious of Crimes ; like the Plague, if it once gets into a House, it soon seizes most of the Family. The more general it is, the less will be every Man's Price ; and the oftner a Man commits it, the more abandoned will he be. *The Honour of Men may be compared to the Virtue of Women.* He that first attempts the Virtue of a Woman, must not immediately offer her a *Smithfield Bargain*. He must not say, *I'll give you such a Sum to be a Whore.* No, he must endeavour even to gain her Affections. He must use a great many Allurements, and artfully persuade her there is nothing dishonourable in what he desires. Even the next Man that offers, must be a little upon the Reserve. He must not bluntly offer his Money as a Price for her Virtue. But the third or the fourth may act more plainly, especially if it is in a Place where there are several as good to be had. He may, without Ceremony, ask her her Price. From that Time she begins to look upon her Virtue as a Thing proper for Sale, and brings it to Market upon every Occasion : Yet still she may be high in her Demands, and disdain to submit to mean or dirty Purchasers ; *but at last she makes no Distinction, nor refuses any Price.*

As it is the Duty of a Father to guard the Virtue of his Daughter, and to prevent her being exposed to any Temptation, so it is the Duty of those who are Members of either House of Parliament, to guard the Virtue of the People, and prevent their being exposed to the Temptations of Ministers, whose Interest it may be to corrupt them. *Scotland* is now of the same Family with *England*. If one Daughter of a Family be debauched, the other is generally in Danger. If the Peers of *Scotland* be taught to know Corruption, it will probably soon after slide in among the Peers of *England*. This would directly put it in the Power of any future wicked Minister to secure a Majority in the House of Peers ; which would at once destroy that *legal Method established by our Constitution, for calling our Governors and Magistrates to an Account, and punishing them for their Misdemeanours.* What then will signify all those Laws which our Ancestors have with so much Care, and at such an Expence of Blood and Treasure, established, for securing the Lives, the Liberties, and the Properties of the Subject. If no Judge is to answer in Parliament, for neglecting or misconstruing those Laws ; if no Officer is to be punished for transgressing them, but at the Pleasure of those that appointed him, of what Use or Benefit can they be to the Subject, against the Oppressions and Extortions of their Rulers and Governors ? Remove but this Check of a Parliamentary Prosecution, and all our Ministers, Magistrates, Judges, and Officers, both Civil and Military, who are appointed by the Crown, may, at the Pleasure of the Crown, set at nought *Magna Charta*, the *Habeas Corpus*, and all those other Fences, which have been set up to guard us against absolute Power and arbitrary Sway. In short, we would be in a much worse Condition than our Ancestors

tors were ever reduced to by the *Court of Star-Chamber*, the *Court of Wards*, the *High Commission Court*, or any of the other Props of Tyranny, invented heretofore by Ambition, for the Exercise of Oppression: For the Judges of all these Courts were under the perpetual Terrors of a Parliamentary Prosecution, and some of them suffered severely by such. If Parliamentary Prosecutions should ever be brought under *Ministerial Direction*, that which was intended for protecting the People, would serve only for rivetting their Chains, and increasing the Number of their Oppressors: *The new Ministers might perhaps make Use of them for plundering the Old, but the People would, without Redress, be plundered by both.*

It signifies nothing to say, We feel none of those Evils, and, therefore, why should we dread them, or terrify ourselves with dismal Apprehensions? For, if the Power of putting a Stop to them, when we do feel them, be taken from us, *which Power consists in the Freedom of our Elections, and the Independency of both our Houses of Parliament*, we shall soon come to feel them, and may complain, but to whom shall we complain? To those that make us feel them? To an arbitrary Ministry, and a corrupt dependent Parliament? To such, can we expect to complain with Success? We are as yet in the Infancy of Corruption: We have the Happiness to be under a Prince who will not give the least Countenance to Oppression: Nay, if there are any Members in either House, who are influenced by the Posts or Pensions they enjoy or expect, (which I hope there are not) they must, as yet, be but *Striplings in the Wickedness of Corruption*; they cannot yet be supposed to have become *common Prostitutes*: And therefore, if any very violent Measures, or glaring Oppressions, were brought before them, for their Approbation, their Consciences would probably fly in their Faces; their Country might yet, perhaps, meet with some Regard and Compassion: For this Reason, our present Ministers, if they were inclin'd, (which they certainly are not) must yet a While avoid all such Measures, and all such Oppressions. Under *Julius and Augustus Cesar*, after the first Fury of the Civil Wars was over, Rome felt no Oppressions, Rome heard of no Violences, *nay, their Senate did not so much as approve of any ridiculous Measures*; but, in the very next Reign, *so closely did Tyranny follow at the Heels of Corruption*, Rome felt terrible Oppressions, Rome heard of Cruelties as well as Violences, *and Rome's Senate not only approved of all, but were villainously instrumental in most.*

If a wicked Minister could once secure a Majority in the House of Lords, that would go along with him in all his Measures, he could, in a short Time, secure such another Majority in the House of Commons, *by making himself Master of almost all the Elections in England*; for what would signify all our Laws against false Returns, against Bribery and Corruption, &c. if the Penalties inflicted by those Laws could not be recovered, nor the Persons punished who transgressed them? If, in any such Case, our Judges should dare to give Judgment against the Ministerial Tools,

that

that Judgment would, upon a Writ of Error, be reversed in the House of Lords; and the Judges, who shewed themselves so little complaisant to the Minister, would certainly have some Prosecution cook'd up against them for Malversations in Office; and would as certainly have Judgment given against them, either by their Brethren, or upon an Impeachment in Parliament.

As the House of Lords is, and has always hitherto highly deserved to be the supreme Court of Judicature in the Kingdom, if Corruption should once get within their Walls, no Law, no Privilege could be effectual, no private Estate could be secure against the Ambition, the Avarice, the Malice, or the Revenge of a *Prime Minister*, who had got the absolute Direction of that House. Upon this Occasion, I must, in particular, recommend it to the noble and rich Families in *England*, to consider how precarious their Titles are to some of the Estates they now enjoy; *how many Claims the Crown might, from antient Records, set up against them; how many plausible Arguments, Council, learned in the Law, might advance in Favour of any Claim that could be set up by the Crown; and how weighty those Arguments are, which are enforced by the Hopes of getting, or the Fears of losing a good Place or Employment*: Let them consider these Things, and from thence form an Opinion, how secure their Estates would be, against an avaricious or a revengeful Minister, with a Court of Chancery to decree, and a House of Lords to affirm, according as he should privately direct.

Nemo fit repente turpissimus, is an old and a just Observation; with respect to Judicatures, with respect to Societies, it holds true, as well as with respect to private Men. If a *corrupt Ministerial Influence* should once be introduced into Parliament, it might, for some Time, be applied only to publick Affairs, especially if it were in the Hands of a Man not agitated by any very violent Passions; but if it ever should come into the Hands of a bold, avaricious or revengeful Man, it would soon come to be applied to private as well as publick Affairs, and would be made to serve all the wicked Purposes of the Minister; nay, of every one of his Parasites and Tools. Let us read the Histories of the *Romans*, let us examine the fatal Effects of Corruption among that unfortunate People, that People once so famed, so justly famed for Virtue; and we must conclude, *That the most absolute Tyranny, the most whimsical Oppressions, the most horrid Cruelties, are justly to be apprehended from the Effects of Corruption, when ripened into Prostitution*. I have been long suspicious, that this dishonourable, this fatal Crime, has been gaining too much Ground in all Parts of the Kingdom; but the reading of those Papers which are in the *Appendix*, and some other Memorandums, which I could not, *which I was ashamed to publish*, have given me the utmost Alarm: The Facts, as represented, must either be false; or the Spirit of Corruption must be got to a terrible Height, in the northern Parts of this Island, and

and calls loudly upon the Legislature for a speedy, for an effectual Remedy.

What were the Reasons for rejecting the Petition, presented last Session to the House of Peers, I shall not pretend to determine; but the chief Reason seems to me to have been, *That, as Impeachments would probably follow, if the Practices complained of were found to be true, it was not proper for them to act the Part of both Grand-Jury and Judge*: This plainly points out the Method how the Practices complained of ought to be enquired into. The Commons, in Parliament assembled, are the *Grand Inquest* of the Nation: Tho' there be no Petition before them, there is a most authentick Report, there is a general Clamour over the whole Nation; and *common Fame*, is a good Ground for them to enquire into Practices that look like an Incroachment upon the Constitution, or an Affront to the King: Therefore I make no Doubt, but that an Enquiry into this Affair will be the first Thing moved in that House the next Session of Parliament, and that they will go through with it before they conclude any of the other publick Affairs of the Nation.

This will lead them naturally to consider what I have called the *Ministerial Power* of the Crown, and which I have shewed to be no Part of our *original Constitution*, but a Power since raised by slow Degrees; and every Man, who can impartially consider it, must, in my Opinion, be convinced, that it is now arrived at such a Height, as might be of the most dangerous Consequence, if any future wicked Minister should turn it towards extinguishing the *true Life and Spirit* of our Constitution. The Practices now complained of may and ought to be punished; but while there is a Power left to corrupt, while that Power is so great as to afford reasonable Hopes of Success by Corruption, the severest Punishment will only serve to make Men more secret in committing that Crime for the future. The only Method for preventing the dangerous Effects of Corruption, is, to dissipate the Power of corrupting, to disperse it among so many Hands, that no one Man, or Set of Men, can build any wicked Schemes upon that Share of it they have in their Hands. This was the antient State of our Government, and I hope every Gentleman will consider, *That a free Government cannot be preserved, without bringing it often back to its first Principles*; which is an Observation made by a Gentleman of great Penetration in the Nature of Government, and is a most just and most useful Observation; but it is of Use only to those who live under a free Government: When the Freedom of a Government is once entirely destroyed, it is out of the Power of the People, in any peaceable Manner, to bring their Government back to its first Principles; and such a benevolent Resignation is rarely to be expected from those who have got an absolute Power into their Hands.

I hope I have, by this Time, convinced my Readers, that our present Contests are not, as by some most maliciously pretended,

tended, about Places or Preferments. I hope I have convinced every Man, that the Contest really is, about *providing for the Safety and future Security of our Constitution*, on one Side, and *supporting a Ministerial Power*, by which it may probably be destroyed, on the other. This is to me so plain, that I am convinced no Man, now engaged in the Cause of our Constitution, was brought over by Envy, Disappointment or Revenge; but if any such Man was, such a Man may, perhaps, in his own Conscience, know that he acts from such Motives, but no other Man can know it, nor ought he to judge so harshly. The good Actions of Men are often owing to what are accounted bad Passions: Virtue is often indebted to the Pride or Vanity of its Voraries; and even Courage itself is sometimes owing to Cowardice. When a Man acts virtuously from a vicious Motive, his inward Satisfaction cannot be so compleat; but the rest of Mankind can have no Knowledge of what passes within, and therefore they have no Title to withdraw any Part of that Esteem which is due to his outward Behaviour.

For my own Part, I never dealt so maliciously by any of the Gentlemen engaged upon the other Side of the Question: *I have always hitherto had the Charity to make Excuse for their Honour, at the Expence of their Understanding*: But I have now, at least in my own Way of thinking, set the Nature of a free Government, the true Nature of our Constitution, and the Dangers to which it may be exposed, in so clear a Light, that hereafter I cannot easily suppose a Mistake in their Understanding; and therefore I shall be under a very great Difficulty how to make an *Excuse* for their Honour. For,

From the foregoing Essay, it must, I think, to every Man plainly appear, That a Man of Honour will always prefer the *Interest of his Country*, to any *private Advantage for himself or Family*.

That it is the *Interest* of every Country to be under a *free Government*.

That the *Freedom* of a Government consists, not only in the People's having reserved to themselves a Power to make their own Laws, and to punish their Magistrates if they transgress those Laws; but also in their having a legal and effectual Method established for exercising that Power.

That the only legal Method for that Purpose, established by our Constitution, is by a *Prosecution in Parliament*.

That this Method cannot be effectual, if the Majority of the House of Lords be under the *Influence and Direction* of the *Magistrate who is to be punished*.

That a great Number of *profitable Posts and Pensions*, at the *sole Disposal of such a Magistrate*, may probably procure him such an Influence.

That the most effectual Method for preventing this Danger, is to take away or diminish his Power, with respect to the disposing of such Posts and Pensions.

That the only other Method for attempting to prevent this Danger, is to make effectual the Laws against *Bribery* and *Corruption*, by enquiring strictly into such Practices when complained of, and punishing them severely when discovered.

That there are *strong Suspicions*, that some *such Practices* were lately made Use of in *Scotland*.

Therefore I must conclude, That no Man of Honour will hereafter be against enquiring into those Practices, or against diminishing that Power which may probably give Encouragement to make Use of the same Practices in Time to come. This is a Conclusion which I must from the Premises necessarily draw ; and if the Generality of my Countrymen be of my Opinion, I must beg of Gentlemen, who have any Regard to their HONOUR or FAME, (for to such only I address myself) to consider, what the present Generation, what Posterity, will think of them, if, notwithstanding such a fair Warning, they should oppose an Enquiry into the corrupt Practices complained of, or any Propositions that may be made for preventing those fatal Effects of *Ministerial Power*, which may hereafter be apprehended. Now is the only Time, because we have at present a King upon the Throne, who has too much Wisdom to be governed by his Ministers, and too much Goodness to oppose whatever may be thought necessary by Parliament for securing our Constitution in Time to come ; but we may hereafter have a King upon the Throne, ambitious of making himself absolute, or governed by a Minister who may deserve to be hanged ; and from such a King could we expect the royal Assent to any such Regulations.

I think I have now said enough for convincing every Man, that his HONOUR is deeply engaged in the present Question ; and I hope my Readers will believe me, when I declare, That whatever I have said upon this Subject, proceeds from no personal Resentment against any Man concerned in the Administration, nor from a personal Attachment to any Man engaged on the other Side of the Question ; but from that Principle of Virtue, by which every Man is obliged to prefer the Happiness of Mankind, and the Good of his Country, to all other Considerations. This is my Religion ; this is my Enthusiasm ; and this, I hope, shall always be my Glory and my chief Delight. It was this Principle that gave Occasion to the foregoing Essay, because I am fully convinced, that we are in Danger of falling, in some future Reign, under a *licentious, corrupt, knavish Slavery*, on one Side ; or a *superstitious, ignorant, Popish Slavery*, on the other ; from one or other of which two *dismal Events*, there is nothing can save us, but the VIRTUE, the HONOUR, and the STEADINESS of those who happen, in the present Age, to be the Representatives of the noble, the ancient, and the rich Families of the Kingdom. It is to them chiefly I have addressed myself upon this Occasion, and it is from them only their Country can expect SALVATION.



APPENDIX.

NUMBER I.

This Paper was indorsed thus,
*A COPY taken from that in the
 of own Hand-Writing.*

And is intitled,
*COPY of what passed betwixt the
 and me, touching the Ministerial List of
 Sixteen*



Received a Letter from the dated 1
 from *Edinburgh, 7th August, 1733.* desiring
 me to meet with him on *Friday or Saturday*
 thereafter, at one or other of the Places men-
 tioned in his Letter. I waited on him accor- 5
 dingly at *South-Queensferry.*

At this Meeting, the told me, that
 in a few Months there would be a new Parliament, and new E-
 lections, and *that he hoped I would find it my Interest to concur*
with such a List of 16 as would be concerted, and offered 10
by the Ministry. I told him I had not yet been spoke to about
 any List whatsoever, and that I had not communed with any
 Person on that Head.

The told me, *That if I would give my Promise*
to concur with the List he had mentioned, he was ready to give 15
400 Pounds ready Money, with Assurance of a yearly Pension of
400 Pounds. I refused his Offer; and, after some further Dis-
 courses on that Subject, we parted.

Some few Days thereafter, the came to my own House
 in the Country, where he told me, that I had a numerous Fa- 20
 mily, and some Debts on my Estate: That it was my Duty to
 use Means and Opportunities for the Support of my Family:
 That he had, with Pleasure, some Days ago, made me such
 Offers, as he hoped might contribute to the Benefit of my Fa-
 mily; and that he was further to offer me, That I should be 25
 one

one of the 16 in the *Ministerial List*, with proper Allowances for my Charges in Attendance.

I thanked him for his Offer, but told him, that I never entertained any Prospect of bettering my Family, by concurring
 30 in any Means which might endanger the National Constitution and Liberties of Parliament, or Honour of the Peerage. He told me, that this was the Language of the opposing Party, who assumed the Name of Patriots; but that they had no other but personal Views, to get a Ministry turned out, to make Way
 35 for themselves. I told him, that perhaps it might be so with some People; but to convince him that my Views were not personal, with respect to Men, but real, with regard to Things, I should propose a Measure to him consequential to what he affirmed, by which he should find, that no such personal Views
 40 were entertained by me, and by which he should command my Vote without Money, Pension, or Office. He desired me to name that Measure. I told him, that if Sir and his Friends would promote a Law for frequent new Parliaments, and for preventing Parliamentary Corruption; and if
 45 my Friends did not concur with such Motions, I would immediately desert them, and would give all the Votes I was capable to give, for continuing Sir and his Friends in their Offices for Life. I desired the to mention this Measure to his Friends, with my humble Opinion, that
 50 such a Measure, offered by him and his Friends, would purchase them the Good-will and Assistance of all true Patriots, and would cut down all the Opposition of false ones. After some Discourse of that Nature, we parted.

Some few Days thereafter, the came a second
 55 Time to my House in the Country, where he told me, that he had Reason to believe, that there would be a Compounding betwixt the contending Parties: That he had no further Offer to make me, but desired me to go in to *Edinburgh*, and pay a Visit to the of where he doubted not I would obtain full
 60 Satisfaction, to my Contentment; but I did not go, neither did I see the until an Hour after I had given my Vote freely at last Elections, 4 June, 1734.

NUMBER II.

The

*Evidence copied from
 his own Hand-Writing.*

1 IT is to be observed, that Colonel is
 Nephew by the Mother, and first Cousin to
 the and the of by
 the Father, and——[Two Lines left out here.]

The

The is married to a Sister of the Colonel's, 4
 and Niece of Lord His is a noted Ad-
 herer to the Earl and told he was
 intrusted and acted under for the Court. He
 has a Pension of 400 *l.* yearly, and is -----

On the 3d of *December*, 1731. Endeavours were used by the 10
 Courtiers to gain by shewing him some
 Glimpse of Hope, that he might succeed to the late of
 as one of the 16 Peers of *Scotland*, and telling him he
 had been mentioned to the King for that Purpose.

He writ an Answer, That he had much ra- 15
 ther be made known to the King in any other Capacity, than
 as one of the 16 for *Scotland* at the Close of a Par-
 liament.

In *June*, 1733. was willing to be one of
 the 16 in the *Ministerial List*; yet he then writ to Co- 20
 lonel in Answer to one from the Colonel -----
 was one of the Resolvers against the whole Court List at a
 former Election, and our Confederates Behaviour was such,
 as made me resolve not to tye my self down till the last.

In *August* 1733. Sir of writ to 25
 from *Edinburgh*, that it was taken Notice
 of, he had staid a Night with the of at *New-*
liston, and had not come to *Edinburgh*, where
 then was.

The 22d of *August*, 1733. was alone 30
 with the who said, he had been obliged to
 him when he was in Disgrace with the Ministry, and thrown
 out of the Parliament, and that he now trusted to his
 as much as to any one of the and that he had
 mentioned him to the King, and to Sir who had 35
 a good Opinion of him.

Then pulled out a Pocket-Book, saying to
 I will shew you the List of 16 to be
 chosen at the ensuing Election, as it was given in to the King
 before I left London, and which his Majesty and his Servants 40
 had approved of; he gave it to to read,
 which he did, with great Attention.

It consisted of two Columns; the Column upon the left
 Hand contained a List of the 16 of the then (now
 last) Parliament; and those to be dropp'd, next Time, had 45
 a Cross at the End of their Names, and a Dash of a Pen
 through their several Names.

The other, upon the right Hand, contained the same List
 that the of and his Friends voted the 4 *June*, 1734.
 And the Names in that List did, at the same 50
 Time, mark in a List of all the Scots printed by *Allan*
Ramsay, which happened to have in his
 Pocket;

Pocket; and when gave back the List to
of the desiring him not to speak of it
 55 to any Body, and said, that he believed there would be no Al-
 teration made in it, and that if any was made, it would be to
 make one of the sixteen.

begg'd him not to put his Name in that
 List, having no Ambition for it, and an Estate too small to
 60 support the Dignity, and the Expence of living so much at
London.

He also begg'd of - - - - [a Line left
 out here]

of said, he never designed it should put
 65 him to any Expence; and since he would not have it, desired
 to know wherein he could serve him.

thanked him, and said, he had nothing
 to ask. of answered, You are the strangest
 Man in the World, you will not let your Friends do for you,
 70 and others are never satisfied with all that can be done for them;
 and then he asked whether had not a Pen-
 sion of 2 or 300 *l.* yearly, who told him, it was 300 *l.* a Year:
 I'll make it 500 *l.* (said) but immediately (by Way
 of correcting what he said) cried, But oh! that will not
 75 do, the King gives no more to in Scotland, but 400 *l.*
 yearly, so I'll have 100 *l.* added to your Privy-Seal.

again said, he was satisfied with what he
 had. To which the of smiling, answered
 once more, You are the strangest Man in the World, you will
 80 neither ask, nor take any thing.

replied, that the last Favour he had asked,
 was to get Leave to pay 400 *l.* for a Pair of Colours to his Son
 75 to which he got no Answer.

The of asked how his Sons were employ-
 85 ed, and having told him that his Son
 carried Arms in Brigadier *Hacker's Scots Regiment* in the *Dutch*
 Service; and his Son in the of
 Dragoons.

The of writ down their Names in his
 90 Pocket-Book, and said, the King would break any Colonel, who
 he knew took Money on such an Account; but he himself
 would take it upon him to provide for them immediately, be-
 cause he had acted as Secretary at War in this Country (*Scot-*
land) since Sir turned ill, and went into the
 95 Country.

The next Day, 23 or 24 *August, 1733.*

visited and repeated what had passed betwixt

said and of
 and said, he never heard of speak so much

Good

Good of any Body, and that might have 100
 what he would, and should consider his own and Family's In-
 terest, and therefore join the (viz.)
 who would carry all before them, and the discontented
 would make nothing of it, but would come in like droop-
 ing Geese at last; and that he was only concern'd for good 105

This Discourse often repeated at different
 Times, to several People; particularly before Mr. of
 and Mr. Writer to the Signet, who is

Solicitor.

110

On the Saturday following, waited of
 of to take Leave of him before he ()
 went into the Country; but the of took him in
 his Coach, to visit of at his Country-House, with
 Mr. the of Brother; and, by 115
 the Way talked only of Buildings and Mathematical Instru-
 ments and Experiments ——— [Three Lines left out.]
 Mr. going out of the Coach for a little, the
 of asked whether he knew
 that Gentleman? Who answered, That he did not. The of 120
 said, it is Mr. a Brother of the
 of whom I have made a Lord of to bring
 in his Brother to vote the King's List I shewed to
 you, of the Sixteen for Scotland, at the next Election for
 a new Parliament. Within these two Years, (said) 125
 Mr. would have been thankful for a Post of 200 L.
 Sterl. about the Exchequer. Don't you think he has made a
 better Bargain, by having Patience?

told this to many, that Mr.
 was promoted, in order to gain his Brother the of 130
 to vote the Court-List of at next Election.
 ——— [Two Lines left out.]

At parting with the of he begg'd
 would come to the of Election, which
 declining, because needless, where so 135
 many would be; the of urg'd him to it, because
 it would be obliging to the King, who, he said, takes Notice of
 every Thing of that Kind; and who appears at Elections.

saw of at his Levee, and
 at Entertainment, which he gave the 140
 Day of his Election: At the Levee, of told
 him, he had writ to Sir about his Sons,
 but that nothing could be done for himself till he (of
) got to London.

After of Dinner, the of 145
 took aside, and said, That he
 had formerly shewn himself in the Interest of the King and his
 Servants, and therefore he, (of) could not doubt
 of

of his going into the Measures of the King and Ministry, at
 150 the next Election of Sixteen for Scotland, and vote the
 King's List.

Then he desired to send to him, when
 at London, a Memorial of his Services in the Army, and what
 he wanted for any other; which he would lay before the King
 and his Servants, and give all the Assistance he could.

155 said, that he would write to his if
 he had any Thing to ask, but not otherwise.

As the Company were parting, of took
 by the Hand, and said, My dear I
 hope what I have said will have some Weight with you; pray
 160 let me hear from you when I am at London, and you may de-
 pend upon my utmost Assistance,

On the 3 October, 1733. in a Letter
 to offered of Service to
 him, and a Majority of Dragoons; and urged him to ac-
 165 cept of it.

On the 4th of November, 1733. Lord writ
 to an Answer, That he took the Offer
 of the Majority to come from the That
 he was willing to take the Majority, as due to his long and
 170 faithful Services; and, as no Condition is mentioned in the
 Letter, that he took it for granted, that he was not ryled down
 to any implicate Faith, and blind Obedience, in giving his Vote
 at the ensuing Election for sixteen That he
 hoped this would be agreeable to his and the of
 175 and prevent Mistakes for the future.

On the 27 November, 1733. Colonel write
 to that he was surpris'd at his writing
 to he hoped it would not be expected he
 would blindly vote the Court List; that, many Months since,
 180 he had desired to keep himself unengaged,
 that he Colonel had the Good of his
 Family at Heart; that he was griev'd and surpris'd at
 his refusing the He earnestly
 desires his to do nothing that may give a Han-
 185 dle to those entrusted with the Kings Affairs, to suspect that
 he will not go alongst with them, even in that they call the
 Court List.

He tells how well of had represented his
 and begs him frankly to resolve him how far he (
 190) would allow him (the Colonel) to answer
 for his
 That had told him (the Colonel) that he
 knew not what to say to the King about
 and that the Colonel had been about a Week balancing, whe-
 200 ther or not to write that Letter to his

He regretted, if be under Engagement
 to of who would endanger himself and his
 Friends, and see those drop him whom he least expected it of.
 That he was under so great Concern for
 as might have induced him to write uncautiously for himself, 203
 and begg'd to consider his own, and his
 Family's Welfare. That his Son's Name had been marked by
 the for an Ensigny, but feared
 it might be stopp'd. That, in the of Situation,
 it was dangerous for him to do, even small Favours, to those 210
 he cannot answer for.

That if his was at London, he could (tho' he
 pretended not to Secrets) shew him such Game, behind the
 Curtain, as would convince him there was no Hope for the
 Opposers. 215

————— [Three Lines left out.]

On the 7 December, 1733. writ an
 Answer to the Colonel, Thanks for his Kindness,

————— [Four Lines left out.]

That what he had writ to Lord hoping that 210
 blind Obedience was not to be expected of him, for the Ma-
 jority of Dragoons, at the ensuing Elections, he took to be an
 honest Way of speaking, when a Majority of Dragoons was
 in the Scale. That he would be both sorry and surpris'd, if it
 were taken amiss; that he had a great Regard for the of 215
 but that his Lordship never desired him to enter
 into particular Engagements with himself or any other Person.
 That the of could give no Impression of
 him () to the King, but that he was
 an honest Man, sincerely attached to his Majesty's Person, Fa- 230
 mily, and Government; and that he would always preserve
 this Character. That, should his Son not be provided for,
 and himself struck out of the Civil List, nothing would pre-
 vail with him to vote for any sixteen but those he
 was fully perswaded have the most sacred Regard for the King's 235
 Person, Honour, Safety, and Interest, and a just Regard for
 the Country.

On the 14 December, 1733. of Letter
 to bore, That he was afraid

would be against him, but that he had got his Son 240
 made an Ensign, and desired to try if that
 Way of acting would influence him; and, if it did not, one
 of the King's Favours was thrown away on the Son of a Man,
 who certainly has Merit, whether he be a Friend of his (Earl
 of or not. 245

————— [Two and twenty Lines left out.]

In Letter to of
 1 January, 1733-4. he resumes the former Letter to

and writ, That he has nothing at Heart, but Honour, Honesty, and a sincere Attachment to our present happy Establishment. That if it be a Crime, not to be tied down to vote for any sixteen to be handed down to him in a List at the next Election, he was, and would be found culpable. He thanked of for the Commission to his Son, 255 and hoped his has not so mean an Opinion of him, as to imagine it can influence him () at the Election of the and that it would give him great Pain, if he were brought to believe, that the King, or his could think an Ensigny thrown away on the Son of 260 a Man who had served twenty seven Years.

writ to 15 January, 1733-4. and sent to his a Commission, inclosed for his Son to be Ensign in the and desired to write 265 a suitable Answer to in Return for his Friendship; and begged, that tho' he may think his Nephew Colonel and him () wrong in their Politicks, that yet he would trust them, till he had a Demonstration against them; and that he will, at Meeting, shew to 270 him a long Letter he () had that Day received from of

on the 17 January, 1733-4. writ an Answer to the said Letter, That he could trust a great deal to and the Colonel, but as he was a free Man, 275 he resolved to continue so, and not to enter into any particular Engagements with particular Persons: That he might believe the Commission was by no Means a disagreeable Thing to him, or the young Gentleman; but that he () was perswaded 280 his and his () other Friends, had too much good Sense, to think that a poor Pair of Colours could influence one of his () long Service, to go one Step further, than returning his hearty Thanks for the Thing.

285 Of the same Date, writ to of a Letter of Thanks for his Son's Commission, and mentions not any Thing else.

[Six Lines left out.]

NUMBER III.

The Evidence of Mr. Writer, or Clerk to the Signet.

I Brother, did, in August 1733. apply to or to his own Cousin at Edinburgh, for a Pension to from

from the King, on account of his voting for
to be the sixteenth for Scotland; and be- 5
cause, at former Elections, he had always voted the List said to
be the Court's or Ministry's: And, on one or other, or both of
these Accounts, or
in his Name, assured the Brother of a yearly Pension to
of 200 L. *Sterl.* from the King, 10
one Year whereof to be paid so soon as the Proxy should be gi-
ven, and a Privy-Seal of *England* to be then delivered for future
Payments. Of this the Brother immediately acquainted
by a Letter, and the Declarant,

Mr. in Conversation. 15

Accordingly sent to the Brother
his Proxy blank, to be delivered to or
and at the same Time wrote to them both, de-
siring to send to himself 30 L. of the 200 L.
to be presently paid, and to deliver the 170 L. to said Mr. 20
for paying some of the most urgent

Debts.

The Brother delivered the Letters to both the and
the Proxy to one or other of them, who thereupon desired him
to send said Mr. in a Day or two to receive the 25
Money.

On the 5 of *September*, 1733. the Brother introduced said
Mr. to at his Lodgings, who car-
ried them both into a private Room, where, opening a Cabinet,
he took out 200 L. in Bank-Notes, saying, it was 30
Pension, due at *Midsummer* last; and gave
170 L. thereof to said Mr. and 30 L. to the
Brother, for the Purposes aforesaid.

Mr. desired also the Privy-Seal, but
said it was not fit to give it, because the Election being so near, 35
the Enemies of the Government would call it a Bribe to influence
the Election; and because it would be expensive to pass it the
Seals, and would be subject to the Tax on the Civil-List, and to
Agency, &c. but that might depend
on receiving it annually from him, free 40
from all Charges and Deductions.

Mr. said he was informed by
That, at every Election since 1718. (when he came of
Age) he had voted the Court-List of and on that Ac-
count had every Time been promised a Pension of 200 L. but had 45
never received any but one single 100 L. That
would not grudge the Expence of the
Privy-Seal, and of the Deductions. That the Time of elect-
ing the Sixteen was not so near as to occasion any Reflections;
and that 100 L. given without a Privy-Seal, would rather pass 50
for Bribery.

of answered, That Promises of Pensions, formerly, had not been performed, nor, perhaps, made to be performed ; and that even Privy-Seal Pensions had not been
 55 paid in the late King's Time, but his present Majesty was slow in promising, but punctual in Payment. That his had represented past Services, and that his Pension was settled, and would be regularly paid.

Mr. still insisted for the Privy-Seal, and said,
 60 That meer Promises were uncertain ; and, without a Privy-Seal, perhaps would never be paid, but one Year in seven, as an Election came on ; and that if a Privy-Seal were granted, he would have a good Claim for every Year, and, at an Election, could refuse to vote the Court-List,
 65 if Bygones were not first paid up to him.

On this said, The Privy-Seal should be got, if he was a Month at *London* ; for it was but to put on the List of Privy-Seal Pensions, in Place of some other, who would be as well satisfied with a Promise.
 70 And of this he desired the Brother to keep him in Remembrance, by writing to when they were at *London*.

Then carried them back to the Company, and gave the Brother a Letter to which he
 75 said was an Answer to the

A few Days afterwards, the Brother and Mr. were at a Tavern with where the Discourse was most on Voting, and Pension, and was also intreated to keep in Mind of
 80 his Promise to get Employments for the Brother ; and whereof the desired the Brother to write to him when at *London*.

When and returned to *Edinburgh*, about the End of *April*, or the Beginning of *May*, 1734.
 85 the Brother informed Mr. that he had waited on

or and undertook that would, at the ensuing Election, vote the Court-List, if the Promises given last Year were made good ; and the Brother sent Mr. to for his Proxy.
 90 blank ; but the inclin'd to vote in Person : Whereupon the Brother went to him in the Country, to perswade him to stay at Home, and send his Proxy. The Brother not returning so soon as was expected, Mr. Provost

(or Mayor) of did, on the 23d of *May*, tell Mr.
 95 that being uneasy at the Proxy's not yet coming, had sent an Express to the Brother about it ; who had answer'd, That declin'd to give one. And Provost further represented, That had got a younger Brother of a
 Com-

Commission to be Captain of a Man of War. That the 100
Backwardness to give the Proxy, might hurt both his
and his Brother; and that therefore,
desired Mr. to speak with him, the said Mr.

answered, That he supposed
Backwardness proceeded from not procuring 105
the Privy-Seal he had promised: And tho' he had made his
Brother a Captain of a Man of War, yet his Cir-
cumstances required something to be done for himself: Pro-
vost reply'd, That he believed the Pension promised
was procur'd, and that would satisfy him about 110
it. Mr. on this, said, That he could not then wait
on being in an Hour or Two to go from Town, to the
West-Country; but would by Post write to
to send his Proxy to his Brother, or to himself; and Mr.
accordingly did immediately write to the 115

As Mr. was going to his Horse, Provost
came to him, and desired him to go to
in the Country, and get his Proxy sent in; which he, (Mr.
) said he would do in due Time, and when he had
dispatched his other Affairs; and would return to *Edinburgh*, 120
the 2d or 3d of *June* at farthest.

Mr. accordingly waited on in
the Country, who told him, he had sent his Proxy to his Bro-
ther at *Edinburgh*, with Directions to dispose of it to the
best Advantage, as said Mr. would direct, who his 125
supposed was at *Edinburgh*; and to whom
had wrote a Letter for that Purpose, by his Bro-
ther; and he therefore entreated Mr. to hasten back
to *Edinburgh*, and to assist his Brother in disposing of his 130
Proxy.

Mr. arriving at *Edinburgh* the 2d of *June*,
found that the Brother had filled up the Blank in the Proxy
and given it to and the Brother gave this
Reason for his Conduct, That he found nothing was to be
got for it, but from the Court-Party; and that he made no 135
new Bargain at delivering it to because he
understood the Court had so great a Majority, as not to need
it much, and had not waited for Mr. coming to
Town, lest by this Delay it might have been slighted; but said,
That Mr. might go to and try 140
what could be got.

On the next Day, the 3d of *June*, the Brother and Mr.
went to and asked what had
been done on the Promises made to
answered, That the Pension would certainly be 145
made good, but that it was not proper to speak of it to
till the Election was over: That he

had

had accepted the Proxy to serve
 the Court having too great a Majority to need
 150 it; and if Mr. was not satisfied with this, he
 would give it back to him, to be disposed of as he thought best
 for Advantage, and that he
 could not have accepted of it, if
 had known the Backwardness to
 155 grant it, but that he — — [*Four and twenty Lines*
left out]

On the 20th of June, desired the Brother
 to bring Mr. to get Payment of
 Pension; and early upon the 22d, in the Morn-
 160 ing, the Brother and he waited on at his
 Lodgings — [*Two Lines left out.*] — and
 coming in to the Room, gave to Mr.
 200 L. Sterl. in Bank-Notes, as the Pension due to
 at Midsummer 1734. — (*Seventeen Lines*
left out.)

NUMBER IV.

The Evidence of the concerning the

1 **T**HIS was willing to have made Oath,
 that in the Month of November, 1733. in a deliberate and
 serious Conversation, the said to him, that
 being poor, and needing Assistance to provide for his Children,
 he had engaged to Vote for the Ministerial List of the Sixteen
 5 and on that Account had received two
 hundred Pounds Sterling, ready Money, and a Promise of a
 yearly Pension of two hundred Pounds Sterling, and of a Com-
 mission in the Army to his Son and of one in
 the Mint in *Edinburgh*, to his other Son

10 **N. B.** That these Commissions were accordingly given to his
 Sons, is publicly known, and appears in the Books at the
 respective Offices, where such Commissions are register'd.

That the Pension has been paid to the
 appears from a Conversation, which his said Son
 15 had in December, 1734. with a Gentleman in *Edinburgh* (who
 could make Oath of it) concerning a Bill for about thirty
 Pounds Sterling from *London*, which said his
 Father

Father had ordered him to answer out of the first Payment, to be made to him the said as Attorney or Factor for his Father, of the Pension given to his Father about the 20 Time of the Election of the The Gentleman having objected, that no Body would trust the Honouring of his Bill to the Payment of a Court Pension; which, promised with the strongest Assurances, was often neglected when the Job was over, Mr. answered, that there was no Fear of 25 it in his Father's Case, for the (one of the) paid it to him on his Father's Account, punctually, within two or three Days of the several Terms of Payment.

NUMBER V.

*The of Evidence
concerning the of*

THE of expressly told the I.
of that he was promised, either by Sir
or the of that if he,
the of would vote for the *Ministerial*
List at the Election of the he himself
should be one of the Number, and should also be made one of 5
the Court of Police, the Salary whereof, for a is eight
hundred Pounds *Sterling* yearly, and that he had accordingly
engaged to vote for the said List.

N. B. This Declaration was made by the of
to the said of 10
in the Presence of [*Two Lines left out.*]
- - - [*Four Lines left out.*] That he is made one of the
Court of Police, appears from the Records, and is pub-
lickly known.

F I N I S.

[The following is a copy of the report of the
 Committee on the subject of the proposed
 amendment to the Constitution of the State
 of New York, which was presented to the
 Senate on the 10th day of January, 1891.
 The report is in the form of a memorial
 to the Senate, and is signed by the
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FINIS